THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 13 NUMBER 180

Washington, Wednesday, September 15, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2812

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our Nation would be materially strengthened and our democracy enriched if all citizens capable of performing any kind of useful labor were afforded opportunities for suitable employment; and

WHEREAS the millions of disabled persons in the United States, both military and civilian, should be encouraged to avail themselves of the facilities for rehabilitation and training, as well as the services for placement, provided by our Federal, State, and local governments; and

WHEREAS war-production records and recent industrial surveys show that handicapped workers, when selectively placed, perform their tasks as well as or better than those without handicaps; and

WHEREAS acceptance of the handicapped by employers will be the means of bringing opportunity for economic independence and full participation in our democratic life to citizens who, despite physical impairments, are willing and able to perform a wide variety of essential tasks; and

WHEREAS, in order to secure greater voluntary cooperation in employment of the handicapped on the part of the public generally, I have established the President's Committee on National Employ the Physically Handicapped Week, composed of leaders of organizations outside the Government; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which time appropriate ceremonies are to be held throughout the Nation, and has requested the President to issue a suitable proclamation each year:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 3, 1948, as National Employ the Physically Handicapped Week. I also call upon the Governors of States, the mayors of cities, and other public officials, as well as leaders of industry and labor, of civic, veterans', farm, women's, and fraternal organizations, and of other groups representative of our national life, to lend full support to the observance of the week, in order to enlist public interest in effectuating full employment of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September, in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8346; Filed, Sept. 14, 1948; 11:30 a. m.]

PROCLAMATION 2813

COLUMBUS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS four hundred and fifty-six years ago Christopher Columbus broadened the world's horizons through his keen vision, his indomitable spirit, and his unflagging persistence; and

WHEREAS the old world which gave him birth and the new world which he discovered are now joined in closer relationship not only through modern miracles of speed but also through mutual need for the achievement of lasting peace and a higher civilization; and

WHEREAS it is fitting that the exploits of this gallant navigator, who has enriched the lives of all peoples by showing the way to a land of unparalleled opportunities, should be commemorated on the anniversary of his finding that land; and

(Continued on p. 5359)

CONTENTS

THE PRESIDENT

Page

Proclamations
Columbus Day, 1948 5357
National Employ the Physically Handicapped Week, 1948 5357

Executive Orders
Canal Zone; suspension of certain statutory provisions relating to employment 5360
Officers of Foreign Service and other officers of U. S. Government; rules of precedence 5359

EXECUTIVE AGENCIES

Agriculture Department
See also Entomology and Plant Quarantine Bureau.
Proposed rule making:
General sugar regulations 5382
Rules and regulations:
Food assistance funds; fourth apportionment 5362
Fruits and vegetables, processed products thereof, and certain other processed food products; revised regulations (Corr.) 5360
Pears in Oregon, Washington, and California 5360

Alien Property, Office of
Notices:
Vesting orders, etc.:
Block, Ida 5389
Costs and expenses incurred in certain Ohio, Arizona and New Jersey court actions 5391
Eckart, Edmund, and New Rochelle Trust Co 5390
Knittel, Anton 5390
Reiss, Joseph 5391
Schulz, William S 5390
Shimizu, Tomisaburo 5392
Spork, Maria 5391
Tsutakawa, Joji G 5392
Uyema, Shiho 5392

Army Department
Rules and regulations:
Chesapeake Bay, Maryland and Virginia, and its tributaries; fishing 5375

Child Labor Branch
Proposed rule making:
Minors between 16 and 18 years of age; employment in occupations involved in operation of power-driven cold-metal-working machines 5381

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

Civil Aeronautics Board Page

Notices:
International Air Transport Assn.; hearing on free and reduced-rate transportation case ---- 5389

Coast Guard

Proposed rule making:
Inspection and navigation and Merchant Marine Council; hearing ---- 5382

Community Facilities Bureau

Rules and regulations:
Delegations of authority; school assistance program, 1949 ---- 5380

Customs Bureau

Rules and regulations:
Air commerce; miscellaneous amendments ---- 5369

Defense Transportation, Office of Page

Rules and regulations:
Rail equipment, conservation; shipments of green sweet potatoes ---- 5380
Exception ---- 5381

Entomology and Plant Quarantine Bureau

Rules and regulations:
Mexican fruitfly quarantine; administrative instructions, lifting permit and sterilization requirements ---- 5360

Federal Power Commission

Notices:
Hearings, etc.:
El Paso Gas Transportation Corp ---- 5388
First Iowa Hydro-Electric Cooperative ---- 5388
New York State Electric and Gas Corp ---- 5388
New York State Natural Gas Corp. et al ---- 5388
Potomac Gas Co ---- 5388

Federal Trade Commission

Rules and regulations:
Baby chick industry; trade practice rules ---- 5362

Immigration and Naturalization Service

Rules and regulations:
Civil air navigation; miscellaneous amendments ---- 5362

Internal Revenue Bureau

Rules and regulations:
Malt liquor, fermented; miscellaneous amendments ---- 5370

National Military Establishment

Notices:
Aviation cadets and aviation students; transfer of functions relating to procurement, appointment, administration, and training, from Department of the Army to Department of the Air Force ---- 5383

Rules and regulations:
Transfer orders, publication ---- 5375

Public Health Service

Rules and regulations:
Foreign quarantine; miscellaneous amendments ---- 5379
Interstate quarantine; miscellaneous amendments ---- 5379

Reclamation Bureau

Notices:
Bear River project, Utah; first form reclamation withdrawal ---- 5388
Klamath irrigation project, Oregon and California; availability of water for public lands and opening of public lands to entry ---- 5383

Rules and regulations:
Klamath irrigation project, Oregon and California; applications for entry on public lands and water rental ---- 5380

State Department Page

Notices:
Interim Office for German Affairs; schedule of fees ---- 5382

Tariff Commission

Notices:
U. S. Distillers Tariff Committee; application for relief from alleged injury due to increased imports ---- 5389

Treasury Department

See also Coast Guard; Customs Bureau; Internal Revenue Bureau.

Rules and regulations:
Checks and warrants to addresses outside U. S., its territories and possessions; withholding of delivery ---- 5375

Veterans' Administration

Rules and regulations:
Adjudication, disallowance and awards; application for increase based upon changed physical condition ---- 5379

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3—The President Page

Chapter I—Proclamations:
2812 ---- 5357
2813 ---- 5357

Chapter II—Executive Orders:
8356 (superseded by EO 9998) ---- 5359
8377 (superseded by EO 9998) ---- 5359
9998 ---- 5359
9999 ---- 5360

Title 7—Agriculture

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices):
Part 52—Processed fruits and vegetables, processed products thereof, and certain other processed food products ---- 5360

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture:
Part 301—Domestic quarantine notices ---- 5360

Chapter VIII—Production and Marketing Administration (Sugar Branch):
Part 801—General sugar regulations (proposed) ---- 5382

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):
Part 939—Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California ---- 5360

Chapter XIV—Production and Marketing Administration (School Lunch Program):
Appendix—Apportionment of assistance funds ---- 5362

CODIFICATION GUIDE—Con.

Page

Title 8—Aliens and Nationality
Chapter I—Immigration and Naturalization Service, Department of Justice:
Part 116—Civil air navigation.. 5362

Title 16—Commercial Practices
Chapter I—Federal Trade Commission:
Part 178—Baby chick industry. 5362

Title 19—Customs Duties
Chapter I—Bureau of Customs, Department of the Treasury:
Part 6—Air commerce regulations 5369

Title 26—Internal Revenue
Chapter I—Bureau of Internal Revenue, Department of the Treasury:
Part 192—Fermented malt liquors 5370

Title 29—Labor
Chapter IV—Child Labor Branch, Department of Labor:
Part 422—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being (proposed) 5381

Title 31—Money and Finance: Treasury
Chapter II—Fiscal Service, Department of the Treasury:
Part 211—Delivery of checks and warrants to addresses outside the United States, its territories and possessions 5375

Title 32—National Defense
Chapter I—Secretary of Defense. 5375

Title 33—Navigation and Navigable Waters
Chapter II—Corps of Engineers, Department of the Army:
Part 206—Fishing and hunting regulations 5375

Title 38—Pensions, Bonuses, and Veterans' Relief
Chapter I—Veterans' Administration:
Part 3—Adjudication; disallowance and awards 5379

Title 42—Public Health
Chapter I—Public Health Service, Federal Security Agency:
Part 71—Foreign quarantine.. 5379
Part 72—Interstate quarantine. 5379

Title 43—Public Lands: Interior
Chapter II—Bureau of Reclamation, Department of the Interior:
Part 401—Applications for entry on public lands and water rental 5380

Title 44—Public Property and Works
Chapter II—Bureau of Community Facilities, Federal Works Agency:
Part 213—Delegations of authority 5380

CODIFICATION GUIDE—Con.

Page

Title 46—Shipping
Chapter I—Coast Guard: Inspection and Navigation:
Part 146—Transportation or storage of explosives or other dangerous articles or substances, and combustible liquids on board vessels (proposed) 5382

Title 49—Transportation and Railroads
Chapter II—Office of Defense Transportation:
Part 500—Conservation of rail equipment 5380
Part 520—Conservation of rail equipment; exceptions, permits, and special directions.. 5381

WHEREAS the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), has authorized and requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Tuesday, October 12, 1948, as Columbus Day, and I invite the people of the United States to observe the day with appropriate ceremonies in their homes, their schools, their churches, and in other suitable places. I also direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8347; Filed, Sept. 14, 1948; 11:30 a. m.]

EXECUTIVE ORDER 9998

RULES OF PRECEDENCE RELATING TO OFFICERS OF THE FOREIGN SERVICE AND OTHER OFFICERS OF THE UNITED STATES GOVERNMENT

By virtue of the authority vested in me by section 1752 of the Revised Statutes (22 U. S. C. 132), and as President of the United States, and in the interest of the orderly conduct abroad of the foreign-affairs functions of the United States, I hereby prescribe the following rules governing precedence among officers of the Foreign Service and officers or accredited representatives of other Government agencies:

1. In the country to which he is accredited, the chief of the diplomatic mission shall take precedence over all officers or accredited representatives of other Executive departments or establishments.

2. In the absence of the titular head of the mission, the chargé d'affaires ad interim shall take precedence over all officers or accredited representatives of other Executive departments or establishments.

3. At a diplomatic mission the officer who takes charge in the absence of the chief of mission shall always take precedence next in succession to the chief of mission: *Provided*, That unless the chief of mission is absent, such officer shall, consonant with the last sentence of section 109 (a) of the Foreign Assistance Act of 1948 (Public Law 472, 80th Congress), and during the continuance in force of such Act, take precedence after the chief of special mission.

4. Military, naval, and air attachés shall take precedence next in succession after the counselors of embassy or legation or, at a post where the Department of State has deemed it unnecessary to assign a counselor, after the senior secretary. Military, naval, and air attachés shall take precedence among themselves according to their respective grades and seniority therein.

5. Attachés who are not officers of the Foreign Service and who are not covered by section 4 shall take precedence with but after military, naval, and air attachés.

6. Officers of the Foreign Service below the rank of counselor shall take precedence among themselves as the Secretary of State may direct; but they shall take precedence after military, naval, and air attachés and attachés who are not officers of the Foreign Service, except when the provisions of section 11 hereof are applicable and such officers of the Foreign Service are also assigned as diplomatic officers.

7. Assistant military, naval, and air attachés shall take precedence next after the lowest ranking second secretary. At a post to which there is no second secretary assigned, assistant military, naval, and air attachés shall take precedence as a group among the officers of the Foreign Service of rank equivalent to second secretaries as the chief of mission may direct. Assistant military, naval, and air attachés shall take precedence among themselves according to their respective grades and seniority therein.

8. Assistant attachés who are not officers of the Foreign Service and who are not covered by section 7 shall take precedence with but after assistant military, naval, and air attachés.

9. Except as provided herein no extra precedence shall be conferred upon an Army, Naval, Marine, or Air Force officer because of his duties as attaché to a diplomatic mission.

10. At ceremonies and receptions where the members of the mission take individual position, and in the lists furnished foreign governments for inclusion in their diplomatic lists, precedence shall follow the ranking indicated in the preceding sections.

11. At ceremonies and receptions where the personnel of diplomatic missions are present as a body, the chief of mission, or chargé d'affaires ad interim,

accompanied by all officers of the Foreign Service included in the diplomatic list, shall be followed next by the military, naval, and air attachés and assistant attachés, and other attachés and assistant attachés who are not officers of the Foreign Service, formed as distinct groups in the order determined by their respective grades and seniority.

12. In international conferences at which the American delegates possess plenipotentiary powers, the senior counselor of embassy or legation attached to the delegation shall take precedence immediately after the delegates, unless otherwise instructed by the Secretary of State.

13. In the districts to which they are assigned, consuls general shall take precedence with but after brigadier generals in the Army, Air Force, and Marine Corps and commodores in the Navy; consuls shall take precedence with but after colonels in the Army, Air Force, and Marine Corps and captains in the Navy; officers of the Foreign Service commissioned as vice consuls shall take precedence with but after captains in the Army, Air Force, and Marine Corps and lieutenants in the Navy.

14. Officers of the Foreign Service with the title of consul general, consul, or vice consul shall take precedence with respect to medical officers of the Public Health Service assigned to duty in American consular offices as follows: consul general before medical director; consul with but after medical director; vice consul with but after senior assistant surgeon: *Provided*, That this regulation shall not operate to give precedence to any medical officer above that of the consular officer in charge.

15. This order supersedes Executive Orders No. 8356 of March 2, 1940, and No. 8377 of March 18, 1940 (3 CFR Cum. Supp. 624, 632).

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1948.

[F. R. Doc. 48-8336; Filed, Sept. 14, 1948; 10:43 a. m.]

EXECUTIVE ORDER 9999

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the Civil Functions Appropriation Act, 1949 (Public Law 782, 80th Congress), section 103 of the Department of the Navy Appropriation Act, 1949 (Public Law 753, 80th Congress), and section 4 of the Military Functions Appropriation Act, 1949 (Public Law 766, 80th Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said Acts, compliance with the provisions of the said sections during the continuance of the present national emergency.

Finding such action necessary because of a shortage of housing, I hereby suspend for the fiscal year 1949 the application of those portions of the cited sections of the respective Acts which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1948.

[F. R. Doc. 48-8343; Filed, Sept. 14, 1948; 11:14 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

REVISED REGULATIONS

Correction

In F. R. Document 48-8179, appearing in the issue for Saturday, September 11, 1948, at page 5300, change the *Unofficially drawn samples* in § 52.42 (b) (4) to read as follows:

Unofficially drawn samples

Minimum fee for 3 samples or less	$7.50
For each additional sample in excess of 3 samples	2.50

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 573]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; ADMINISTRATIVE INSTRUCTIONS; LIFTING PERMIT AND STERILIZATION REQUIREMENTS

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64-3 (a) and § 301.64-4 of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR 1945 Supp., §§ 301.64-1 through 301.64-7), the following administrative instructions are hereby adopted:

§ 301.64-3h *Administrative instructions lifting permit and sterilization requirements for interstate movement of citrus fruits until further notice.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist, with respect to the area regulated by Notice of Quarantine No. 64 on account of the Mexican fruitfly (7 CFR 1945 Supp., 301.64 to 301.64-7, incl.), which eliminate the risk of Mexican fruitfly infestations in regulated citrus fruits during the extended 1947-48 harvesting season as designated in B. E. P. Q. 568, supplement No. 2, effective July 31, 1948 (7 CFR § 301.64-5e, 13 F. R. 4567), and during the overlapping early part of the 1948-49 shipping season, hereby waives the permit requirements for interstate movement of such fruits from such regulated area, effective September 11, 1948, and until due notice of their resumption shall have been given. Further, administrative instructions contained in B. E. P. Q. 569 (7 CFR § 301.64-4f, 13 F. R. 2193), requiring that effective 12:01 a. m., April 24, 1948, and continuing throughout the 1947-48 harvesting season, all grapefruit, as a condition of certification for interstate movement from the Texas counties of Cameron, Hidalgo, and Willacy, shall be sterilized in accordance with the methods authorized in B. E. P. Q. 472, revised effective September 25, 1941, are hereby revoked, effective September 11, 1948.

These administrative instructions also cancel and supersede B. E. P. Q. 567, effective February 9, 1948 (7 CFR § 301.64-3f, 13 F. R. 611) and B. E. P. Q. 566, effective March 6, 1948 (7 CFR § 301.64-3g, 13 F. R. 1303). (Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161; 7 CFR 1945 Supp., 301.64-3 (a), 301.64-4)

The purpose of this action is to discontinue until further notice all permit and sterilization requirements now prescribed as a condition for the interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly. A trapping survey conducted in the regulated area during the last several weeks indicates that the abovementioned counties have entered upon the period during which they are seasonally free from the Mexican fruitfly. It is therefore feasible to discontinue temporarily the precautions now in effect. Such action relieves citrus growers in the affected area of requirements that have been in effect during most of the present calendar year. In order to be of maximum benefit to the affected growers, the relief from these requirements must be effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this order are unnecessary, impractical, and contrary to the public interest, and good cause is found for the issuance of this order effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48-8243; Filed, Sept. 14, 1948; 9:04 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 939—REGULATING THE HANDLING OF THE BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

On July 20, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-6466; 13 F. R. 4128, 5214) with respect to the proposed approval by the Secretary of Agriculture of the rules and regulations, submitted

by the Control Committee established under the marketing agreement and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. The following rules and regulations are hereby approved as the rules and regulations of such committee:

Sec.
939.100 Definitions.
939.101 Communications.
939.104 Limitation of shipments.
939.106 Pears for by-product, charitable, or gift purposes.
939.107 Reports.

AUTHORITY: §§ 939.100, 939.101, 939.104, 939.106, and 939.107 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 939.1 et seq.

§ 939.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement 89 and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

(b) Each term used in the marketing agreement and order shall, when used herein, have the same meaning applicable to such term in the marketing agreement and order.

§ 939.101 *Communications.* Unless otherwise prescribed herein or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement and order shall be forwarded as follows:

Winter Pear Control Committee, 519 Northwest Park Avenue, Portland 9, Oregon.

§ 939.104 *Limitation of shipments—* (a) *Exemption certificates; procedural rules.* Application for an exemption certificate authorizing the shipment during a particular marketing season of any variety of pears shall be filed with the secretary of the Control Committee not later than November 15 of such marketing season. Each such application duly mailed to and duly received by the secretary of the Control Committee shall be deemed to have been filed with the secretary as of the date of such mailing. Each application shall contain the following information on Form E–1 "Grower Application for Exemption Certificate":

(1) The name and address of the applicant;

(2) The location of the orchard (by district and distance from the nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(3) The number and age of the trees producing the particular variety for which exemption is requested;

(4) The quantity of such variety which could be shipped by the applicant in the absence of the grade and size regulations in effect at the time the application is filed;

(5) The quantity of such variety which meets the requirements of the aforesaid effective grade and size regulations;

(6) The total crop of the particular variety of pears and the quantity shipped during the preceding marketing season;

(7) The names of the shippers who shipped all or any portion of the applicant's aforesaid crop during the preceding marketing season;

(8) The reasons why the quantity of the particular variety of pears, for which exemption is requested, does not meet the aforesaid effective grade and size regulations; and

(9) The name of the shipper or shippers who will ship the exempted pears if the exemption certificate is issued.

(b) *Exemption committee.* The members and alternate members of the Control Committee residing in the district in which the applicant grower's orchard is located shall act as an exemption committee for that district and shall make or cause to be made such investigation as may be necessary to determine whether and to what extent such applicant will be prevented, because of the aforesaid grade and size regulation in effect, from shipping as large a percentage of the particular variety of his pears as the percentage of all pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. In the event any member or alternate member of the Control Committee shall himself apply for an exemption certificate he shall be disqualified to serve as a member of the exemption committee to act upon the application.

(c) *Issuance of exemption certificate.* In the event such exemption committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, such exemption certificate shall be issued so as to permit the applicant to ship or have shipped the requisite quantity of his pears. Each exemption certificate shall be signed by the secretary or assistant secretary of the Control Committee and one copy thereof shall be delivered to the grower, one copy shall be delivered to each shipper designated by the grower to receive a copy, and one copy shall be retained in the files of the Control Committee. In the event the secretary of the Control Committee has reason to believe that any such finding or determination by an exemption committee is improper or not in accordance with the facts, he may disapprove the same, and shall make or cause to be made such further investigation as he may determine to be necessary or advisable, and may request or obtain such information as he may deem necessary to enable him to determine whether or not and to what extent an applicant is entitled to an exemption certificate.

(d) *Appeal to Control Committee.* Any grower, whose application is denied in whole or in part by the appropriate exemption committee or by the secretary of the Control Committee, may file a written appeal with the Control Committee within fifteen (15) days after the date of the notice to such grower of the decision involved. Upon receipt of such appeal, the secretary of the Control Committee shall submit the same, together with all applicable information and data, including the report of the exemption committee on that grower's application to the members of the Control Committee, who thereafter shall review the same and shall determine whether and to what extent the applicant is entitled to an exemption certificate. Thereupon the secretary of the Control Committee shall issue to that grower such exemption certificate as the Control Committee shall determine to be proper.

(e) *Appeal to Secretary.* Any grower who is dissatisfied with the Control Committee's determination with respect to any appeal by that grower from a decision by an exemption committee or by the secretary of the Control Committee with respect to that grower's application for an exemption certificate, may appeal from such determination by the Control Committee to the Secretary of Agriculture. Any such appeal shall be made by filing with the secretary of the Control Committee a written notice of appeal within fifteen (15) days after notice to that grower of the Control Committee's action on that grower's application for an exemption certificate. Promptly upon receipt of notice of an appeal signed by the applicant, the secretary of the Control Committee shall forward to the Secretary of Agriculture, or to his designated representative, a true and correct copy of all information pertaining to that grower's application for an exemption certificate and the action taken thereon by the Control Committee, together with such written information and proof as was submitted to or obtained by the Control Committee with regard to said application, and a true copy of the appellant grower's notice of appeal.

§ 939.106 *Pears for by-product, charitable, or gift purposes.* (a) Pears which do not meet the requirements of any effective grade or size regulation shall not be shipped or handled for consumption by any charitable institution or for distribution by any relief agency or for conversion into any by-product, unless there first shall have been delivered to the manager of the Control Committee a certificate executed by the intended receiver and user of said pears, showing, to the manager's satisfaction, that said pears actually will be used for one or more of the aforesaid purposes.

(b) There are exempted from the provisions of the marketing agreement and order any and all pears which, in individual gift packages, are shipped directly to, or which are shipped for distribution without resale to, an individual person as the consumer thereof, and any and all pears which, in individual gift packages are shipped directly to, or are shipped for distribution without resale to, a purchaser who will use these pears solely for gift purposes and not for sale.

§ 939.107 *Reports.* (a) Each shipper handling pears covered by an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such pears. Such shipper, after having shipped as many pears as authorized by

the particular exemption certificate, shall promptly mail to the secretary of the Control Committee, such handler's copy of the exemption certificate containing an accurate record of such shipments.

(b) Each handler shall furnish to the Control Committee as of the 1st day and the 15th day, respectively, of each calendar month a report containing the following information on Form 1 "Handler's Statement of Pear Shipments":

(1) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding half month;

(2) The date of each shipment;

(3) The car numbers or truck license numbers, as the case may be, of all cars or trucks in which such shipments were made;

(4) The ultimate destination, by city and State; and

(5) The name and address of such handler.

(c) Each handler shall furnish to the Control Committee, as of October 15 of each season and as of the fifteenth and last days of each month thereafter, a report containing the following information on Form 4R, "Handlers' Packout Report":

(1) The total of the packout of each variety;

(2) The quantity of each variety loose in storage;

(3) The volume of each variety sold, unsold, stored East and West, and in transit; and

(4) The name and address of such handler.

(d) Each handler who has pears inspected and certificated in lots larger than carload lots and who wishes to rely on such lot inspections in lieu of inspection certificates for individual carlot shipments shall deliver to the manager within 10 days after shipment of any such pears a written report showing the quantity, variety, grade, and size of the pears so shipped and the date of shipment thereof, and said report shall identify such pears with the lot-inspection certificate covering the same, and shall further show what portion of that lot remains unshipped, and where located; such reports shall be in addition to, and not in lieu of, the semi-monthly handler's reports of shipments required under paragraphs (b) and (c) of this section.

(e) Each handler shall specify on each bill of lading covering each shipment the variety, and number of boxes thereof, of all pears included in that shipment.

The rules and regulations contained in §§ 939.100, 939.101, 939.104, 939.106, and 939.107 of this part shall become effective September 16, 1948. It is hereby found that it is impractical and contrary to the public interest to postpone the effective date of these rules and regulations until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the shipping season for the pears covered by the aforesaid marketing agreement and order will commence in early September, regulation of shipments of such pears will be effective on and after September 16, 1948, and it is essential that the aforesaid rules and regulations be in effect at that time in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] I. W. DUGGAN,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8285; Filed, Sept. 14, 1948; 8:58 a. m.]

Chapter XIV—Production and Marketing Administration (School Lunch Program)

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS

FOURTH APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1948

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1948, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	$2,272,413	$2,248,041	$24,372
Arizona	330,078	317,573	12,505
Arkansas	1,458,660	1,438,908	19,752
California	2,052,261	2,052,261	
Colorado	450,075	419,827	30,248
Connecticut	467,197	467,197	
Delaware	68,698	68,698	
District of Columbia	90,163	90,163	
Florida	917,684	890,355	27,329
Georgia	2,270,363	2,270,363	
Idaho	228,709	221,803	6,906
Illinois	2,211,181	2,211,181	
Indiana	1,205,957	1,205,957	
Iowa	848,517	770,210	78,307
Kansas	658,773	658,773	
Kentucky	1,924,096	1,924,096	
Louisiana	1,535,262	1,535,262	
Maine	286,939	271,584	15,355
Maryland	619,508	585,183	34,325
Massachusetts	1,108,626	988,682	119,944
Michigan	1,797,812	1,639,829	157,983
Minnesota	1,029,968	893,790	136,178
Mississippi	1,611,282	1,611,282	
Missouri	1,347,876	1,347,876	
Montana	179,909	165,856	14,053
Nebraska	411,424	368,579	42,845
Nevada	45,248	44,335	913
New Hampshire	174,502	174,502	
New Jersey	1,148,724	956,385	192,339
New Mexico	250,540	230,696	19,844
New York	2,969,764	2,969,764	
North Carolina	2,634,814	2,634,814	
North Dakota	193,055	173,488	19,567
Ohio	2,048,875	1,785,515	263,360
Oklahoma	1,186,309	1,186,309	
Oregon	363,363	363,363	
Pennsylvania	1,929,421	1,707,735	221,686
Rhode Island	192,210	192,210	
South Carolina	1,594,392	1,588,372	6,020
South Dakota	15,251		15,251
Tennessee	1,787,203	1,773,710	13,493
Texas	3,398,222	3,398,222	
Utah	314,185	310,308	3,877
Vermont	133,493	133,493	
Virginia	1,443,157	1,425,191	17,966
Washington	528,388	498,136	30,252
West Virginia	1,060,812	1,043,114	17,698
Wisconsin	1,000,166	814,706	185,460
Wyoming	104,475	104,475	
Alaska	12,226	12,226	
Hawaii	91,683	75,260	16,423
Puerto Rico	1,962,862	1,962,862	
Virgin Islands	33,229	33,229	
Total	54,000,000	52,255,749	1,744,251

(Sec. 4, 60 Stat. 230; 42 U. S. C. 1743)

Dated: September 9, 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8244; Filed, Sept. 14, 1948; 9:04 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 116.3, 116.4, 116.8, 116.11 and 116.13 see Title 19, Chapter I, Part 6, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-335]

PART 178—BABY CHICK INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES AS AMENDED AND EXTENDED

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Due proceedings having been had for amending and extending the rules for this industry under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules, in the amended and extended form, hereinafter set forth and appearing under Group I and Group II, be and the same are hereby approved and received, respectively; and that said rules, including all amendments and extensions, be promulgated as of September 15, 1948.

Statement by the Commission. Revised and extended trade practice rules for the Baby Chick Industry are promulgated by the Federal Trade Commission as hereinafter set forth.

Members of the industry are the persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of baby chicks as the term "baby chicks" is defined in the rules.

The rules are directed to the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, deceptive practices, and trade abuses. To this end various unfair and deceptive practices are defined and proscribed.

These rules constitute a revision and extension of those promulgated for the industry on December 31, 1938. Important new provisions which have been included are definitions of "crossbred", "inbred", "inbred line", "in-crossbred", and inhibitions respecting misuse of such terms. Also, provisions have been included prohibiting deceptive use of the word "hybrid", and requirements for the use of the word "farm" in corporate and trade names have been made more specific. Numerous other changes are embodied which further clarify applicable requirements of laws administered by the Commission.

Proceedings for revision and extension of the trade practice rules for the industry were instituted upon application made by industry members, and included the holding of an industry-wide trade practice conference under Commission auspices in St. Louis, Missouri, and public hearings on proposed rules at Cleveland, Ohio, and Washington, D. C. Thereafter and upon full consideration, final action was taken by the Commission whereby it has approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

These revised and extended rules become operative thirty (30) days from date of promulgation, with the exception of §§ 178.19, 178.27 and 178.28 (Rules 19, 27, and 28), which become operative January 1, 1949. Upon becoming operative they supersede those promulgated for the industry December 31, 1938.

GROUP I

Sec.
178.0 General statement.
178.00 Definitions.
178.1 Misrepresentation of products.
178.2 Deceptive concealment of material facts.
178.3 Misuse of terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, etc.
178.4 Guarantees, warranties, etc.
178.5 Misuse of words "guaranteed to live," and use of deceptive guarantees as to livability of baby chicks and percentage of live arrivals, or offers and contracts against mortality and disease, etc.
178.6 Deceptive testimonials.
178.7 Misrepresentation as to blood testing, pullorum testing, etc.
178.8 Misuse of terms "disease free," "pullorum free," etc.
178.9 Substitution of inferior chicks for those ordered.
178.10 Deceptive use of "leaders," etc.
178.11 Deceptive sale of baby chicks of poor grade or quality.
178.12 Fictitious prices.
178.13 Misrepresenting offer as "special," etc.
178.14 Misrepresenting chicks sold at auction, through shipment to fictitious consignees, or through agents, salesmen, or dealers, etc.
178.15 Misrepresenting chicks as from stock entered in egg-laying contests or poultry shows, etc.
178.16 Misue of terms "trapped," "trap nests," "trap-nested stock," "from trap-nested stock," etc.
178.17 Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.
178.18 Deception respecting male parentage in relation to egg production.
178.19 Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.
178.20 Deceptive depictions or illustrations.
178.21 Deception as to transportation or c. o. d. charges.
178.22 Misrepresenting offer as limited to time, etc.
178.23 Deceptive representations as to earnings, etc.
178.24 Misuse of the word "free," etc.
178.25 Deception by means of "bogus independents," "chick outlets," etc.
178.26 Misrepresentation respecting new breed of poultry.
178.27 Misuse of terms "crossbred," "inbred," "inbred line," "in-crossbred," etc.
178.28 Deceptive use of term "hybrid" prohibited.
178.29 False or misleading price quotations, etc.
178.30 Use of lottery schemes.
178.31 Defamation of competitors or disparagement of their products.
178.32 Use of "loss leaders,"
178.33 Inducing breach of contract.
178.34 Enticing away employees of competitors.
178.35 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
178.36 Coercing purchase of one product as a prerequisite to the purchase of other products.
178.37 Consignment distribution.
178.38 Selling below cost.
178.39 Discrimination.
178.40 Aiding or abetting use of unfair trade practices.

GROUP II

178.100 General statement.
178.101 Shipping chicks to fictitious consignees, etc.
178.102 Failure to give notice of change in shipping schedule.
178.103 Failure to ship chicks as promptly as agreed upon.
178.104 Arbitration.
178.105 Repudiation of contracts.

AUTHORITY: §§ 178.0 to 178.105, inclusive, issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

§ 178.0 *General statement.* The unfair trade practices embraced in §§ 178.1 to 178.40, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 178.00 *Definitions*—(a) *Type of business affected and scope of "industry products."* The rules in §§ 178.0 to 178.40, inclusive, apply to the business of producing and selling, or marketing, of products of the industry which consist of baby chicks, turkey poults, goslings, ducklings, and other live poultry, to be raised or maintained for breeding purposes or for the production of eggs, broilers, fryers, or other poultry products. Hatching eggs are also included as industry products.

(b) *Definition of "baby chicks" (or "chicks") in application of §§ 178.0 to 178.40, inclusive.* The term "baby chicks" or "chicks" as used in §§ 178.0 to 178.40, inclusive, and except where otherwise clearly required, shall be understood to include not only baby chicks of all kinds and hatching eggs, but also all other products of the industry, namely, turkey poults, goslings, ducklings, and other live poultry, to be raised or maintained for breeding purposes or for the production of eggs, broilers, fryers, or other poultry products.

§ 178.1 *Misrepresentation of products.* It is an unfair trade practice to make or publish or cause to be made or published, directly or indirectly, any statement or representation which is false, misleading, or deceptive in any respect (whether it be in the form of advertisement, trade promotional literature, mark, stamp, brand, label, radio broadcast, oral or written communication, or other form of representation however disseminated or published):

(a) Concerning the grade, quantity, breed, strain, pedigree, type, sex, sexing, culling, quick maturity, uniform development, livability, health, testing (blood testing, pullorum testing, or other testing), strength, character, nature, origin, weight, color, size, or egg-producing or other qualities, of any baby chicks; or

(b) Concerning the production, sale, distribution, or delivery of any baby chicks; or

(c) Concerning the supervision, endorsement, or approval of any poultry breeding, hatching, or other operation by Federal, State, or other authority, or concerning any official connection with such Federal, State, or other authority; or

(d) Concerning any other matter relating to the baby chick business, its products, or any part thereof. [Rule 1]

§ 178.2 *Deceptive concealment of material facts.* In advertising, offering for sale, or selling baby chicks, it is an unfair trade practice for any member of the industry to conceal or fail or refuse to disclose any material facts with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, as for example:

(a) Filling baby chick orders with cockerels which have been obtained from sexed chicks or from other sources without having disclosed to the purchaser at the time of sale the fact that the baby chicks delivered are cockerels.

(b) Adding surplus cockerel chicks or surplus pullets to so-called "straight-run" chicks and offering for sale, selling, or delivering same to customers without informing the respective purchasers of the fact that such surplus or added cockerels or pullets have been included and without obtaining such purchasers' consent thereto.

(c) Advertising or offering chicks for sale as being "chicks of buyer's own choice," or making similar representations, whether under a so-called "free" offer or otherwise, without disclosing prior to delivery the fact that the chicks to be shipped will be cockerels of one sort or another or other undesirable types or breeds when such is the case, or will be of different breed or breeds of chicken than the circumstances would indicate, or that such chicks will be shipped upon dates later or different from those ordinarily to be expected.

(d) Representing that flocks contain certain types of males or females, but concealing the fact that only part of

such flocks contain such males or females; or representing that any flock contains certain types of males or females, but concealing the fact that such flock also contains other males or females.

(e) Claiming to own or operate a hatchery, poultry farm, or the like, but concealing the fact that the chicks distributed therefrom or advertised or offered for sale as being therefrom were not, either in whole or in part, produced by such hatchery, poultry farm, or the like.

NOTE: The above examples are but a few illustrations of the scope of this section. For other rules touching concealment and nondisclosure, see §§ 178.5 (c), 178.7 (d), 178.9–178.11, 178.14, 178.25; see also § 178.19 on "hatchery," "Poultry farm," etc.

[Rule 2]

§ 178.3 *Misuse of terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, etc.* In connection with the offering for sale, sale, or distribution of baby chicks, it is an unfair trade practice to use, directly or indirectly, in advertising or trade promotional literature, on labels, or through any other medium, any terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, or to make representations with respect thereto, when such terminology is not truthfully and fully applicable to such chicks or products, or to their production, origin, or sale, or when such terminology or representations are otherwise used under circumstances or in a manner having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(a) Under this section it is an unfair trade practice for any member of the industry to use said terminology or any other representations indicating, purporting, or implying that such member is a qualified participant in the National Poultry Improvement Plan or the National Turkey Improvement Plan, or that baby chicks advertised or offered for sale have been produced by participants in either plan as the case may be, when such is not the fact.

(b) It is likewise an unfair trade practice to mislead or deceive in any other manner or respect, or tend to cause confusion or deception of purchasers or prospective purchasers, in relation to the National Poultry Improvement Plan, the National Turkey Improvement Plan, or any other matter in respect thereto.

NOTE: In order to avoid deception or confusion of purchasers or prospective purchasers of industry products, all persons or concerns severing connection with the National Poultry Improvement Plan or the National Turkey Improvement Plan should immediately remove and discontinue the use of all signs, promotional literature, labels, and other representations or visible indications that they are still participating in the plan in question.

[Rule 3]

§ 178.4 *Guarantees, warranties, etc.* (a) In connection with the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice to use the word "guaranteed," or any other word, expression, or representation of similar import, without conjunctive disclosure of the conditions or limitations applicable to such guarantee, or to use, or cause to be used, any guarantee or purported guarantee which is false, misleading, or deceptive in any respect.

(b) Without in any way limiting the foregoing provision of this section, guarantees of the following type or character shall not be used:

(1) Guarantees issued or directly or indirectly caused to be used by any member of the industry under which the guarantor fails or refuses scrupulously to observe his obligation or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or will afford more protection to purchasers than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the words used are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions which are applicable to such guarantees and which materially lessen the value thereof as a guarantee to purchasers; or

(5) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any respect; or

(6) Guarantees which, either in themselves or in the manner of their use, are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 4]

NOTE: See also §§ 178.5 and 178.8.

§ 178.5 *Misuse of words "guaranteed to live," and use of deceptive guarantees as to livability of baby chicks and percentage of live arrivals, or offers and contracts against mortality and disease, etc.*—(a) *Misuse of words "guaranteed to live," etc.* It is an unfair trade practice to advertise, describe, or otherwise represent that baby chicks sold or offered for sale are "guaranteed to live," or to make similar statements or representations, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the erroneous belief that the said baby chicks possess extraordinary stamina or other qualities which prevent disease or death, or into any other erroneous belief.

(b) *Deceptive guarantees or representations as to percentage of chicks alive at buyer's destination.* It is an unfair trade practice to make guarantees, warranties, or other representations to the effect that all or a certain percentage of the chicks shipped will be alive at buyer's destination, and then fail to adjust losses pursuant to representations made, or otherwise fail fully to live up to all the provisions of such guarantees, warranties, or other representations.

(c) *Offers, promises, or contracts against mortality, sickness, disease, etc.* If any offer, promise, or contract is made against mortality, sickness, disease, ill health, or impairment of vitality, such shall specifically disclose what replacement, refund, credit, or other provision will be made in the event any such mortality, sickness, disease, ill health, or impairment of vitality arises, together with such other applicable terms and information as may be necessary in the circumstances, to the end that no confusion or deception of purchasers may ensue or tend to ensue.

(d) *Use of deceptive guarantees as to livability of baby chicks, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any other false, misleading, or deceptive statement, guarantee, warranty, or other representation concerning the livability, health, stamina, or any quality or condition of baby chicks sold or offered for sale. [Rule 5]

NOTE: See §§ 178.4 and 178.8 as to further provisions regarding guarantees.

§ 178.6 *Deceptive testimonials.* It is an unfair trade practice to use, or cause to be used, any testimonial which is false, misleading, deceptive, or unfair in any respect.

Testimonials of the type prohibited by this section include the following:

(a) Testimonials regarding exceptional results alleged to have been obtained from the chicks of a particular seller, which testimonials are so worded as to have the capacity and tendency or effect of inducing purchasers or prospective purchasers to believe that all of such seller's chicks may be expected to produce similar results for all buyers when such is not the fact; or

(b) Testimonials regarding the chicks of a seller which, though true at the time given in the past, are misleading or deceptive to purchasers or prospective purchasers as currently used because out of date and no longer applicable to the facts, circumstances, or conditions described therein and such information has not been fully and nondeceptively disclosed; or

(c) Testimonials which purport to pertain to certain high-grade chicks being offered for sale, or to exceptional conditions or facilities for producing same, when such is not the fact; or

(d) Testimonials which are so worded or are used in such manner as to convey the impression they were given without solicitation or payment of any consideration when such is not true in fact; or

(e) Testimonials which for any reason, whether by their form or in the manner of their use or otherwise, have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any respect. [Rule 6]

§ 178.7 *Misrepresentation as to blood testing, pullorum testing, etc.* (a) *Birds or flocks.* It is an unfair trade practice to advertise, describe, or otherwise represent, directly or indirectly, that baby chicks sold or offered for sale have been, or come from flocks which have been, blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, when such is not the fact, or when only a portion of the birds or flocks supplying the eggs have been so treated or tested during the current season, or when such blood or pullorum testing, vaccination, inoculation, or treatment is inadequate or is not officially recognized as adequate to control the disease in question.

(b) *Eggs.* It is an unfair trade practice to advertise, describe, or otherwise represent, directly or indirectly, that hatching eggs sold or offered for sale are from birds or flocks that have been blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, when such is not the fact, or when only part of the hatching eggs so sold or offered for sale are from birds or flocks that have been so blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, or when such blood or pullorum testing, vaccination, inoculation, or treatment is inadequate or is not officially recognized as adequate to control the disease in question.

(c) *Deception respecting "approval" or "official approval" of test methods used, or respecting the qualifications or official status of person performing test.* It is an unfair trade practice to use any disease control term, such as "pullorum tested," "blood tested," or the like, in advertising or otherwise, in such manner as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers into the belief that officially-approved methods have been used in making these tests, or that such tests have been made by a duly-qualified person or persons, or under the auspices or supervision or with the endorsement of a Federal, State, or other agency or authority, when such is not the fact.

(d) *Deception resulting from failure to remove reactors from chicks represented as having been "tested."* It is an unfair trade practice deceptively to use the terms "tested," "100% tested," or similar expressions or representations, as descriptive of baby chicks or other poultry, when clearly and in immediate conjunction truthful disclosure is not made of the diseases or ailments for which such chicks or poultry have been tested, and when, even though tested, all reactors have not actually been removed from the premises upon the completion of the tests in question. [Rule 7]

NOTE: See § 178.8 relating to disease-free representations.

§ 178.8 *Misuse of terms "disease free," "pullorum free," etc.* (a) It is an unfair trade practice deceptively to advertise, guarantee, describe, or otherwise represent, directly or indirectly, that any baby chicks sold or offered for sale are free of disease.

(b) It is an unfair trade practice deceptively to advertise, guarantee, describe, or otherwise represent, directly or indirectly, that baby chicks or other poultry sold or offered for sale are "disease free," "pullorum free," "absolutely pullorum free," "100% pullorum free," "completely pullorum free," "entirely pullorum free," "fully pullorum free," "positively pullorum free," "utterly pullorum free," or "wholly pullorum free."

(c) Under this section terms of the type referred to are not to be used in respect of any disease for which full freedom cannot be definitely achieved. [Rule 8]

NOTE: See also §§ 178.4 and 178.5 on guarantees.

§ 178.9 *Substitution of inferior chicks for those ordered.* It is an unfair trade practice to advertise, describe, or otherwise represent that the flocks of a particular seller or producer possess certain good qualities, such as ability to resist disease, or to produce high yields of eggs, or the like, and then upon receipt of customers' orders for baby chicks from the flocks advertised, filling same from flocks of an inferior quality, without first informing and obtaining the consent of purchasers to such substitution. [Rule 9]

§ 178.10 *Deceptive use of "leaders," etc.* It is an unfair trade practice to offer for sale, advertise, or otherwise represent baby chicks as being of a certain high grade or quality:

(a) When an adequate supply of such chicks is not available at the prices offered and such fact is not fully and non-deceptively disclosed to purchasers and prospective purchasers; or

(b) When all chicks so offered for sale or sold under said representations are not of the said high grade or quality; or

(c) When such representations are otherwise false, misleading, or deceptive. [Rule 10]

NOTE: See also § 178.32.

§ 178.11 *Deceptive sale of baby chicks of poor grade or quality.* It is an unfair trade practice to sell or offer for sale baby chicks of poor grade or quality as being from a farm or hatchery advertised or bearing a reputation for high-grade production, without informing purchasers or prospective purchasers of the poor grade or quality of such chicks, and taking such other steps as may be necessary to prevent deception. [Rule 11]

§ 178.12 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 12]

§ 178.13 *Misrepresenting offer as "special," etc.* It is an unfair trade practice to represent an offer as "special" when it is in fact a regular offer, or otherwise to use the terms "special," "special offer," or terms or words of similar import, in a manner or under conditions which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 13]

§ 178.14 *Misrepresenting chicks sold at auction, through shipment to fictitious consignees, or through agents, salesmen, or dealers, etc.* It is an unfair trade practice to cause baby chicks to be sold under deceptive or misleading conditions, at auction sales, through shipment to fictitious consignees, or through agents, salesmen, dealers, or otherwise, regardless of whether such deceptive conditions are brought about by misstatements or by concealment of material fact or otherwise. [Rule 14]

§ 178.15 *Misrepresenting chicks as from stock entered in egg-laying contests or poultry shows, etc.* It is an unfair trade practice to advertise, describe, or otherwise represent that baby chicks sold or offered for sale are the progeny of, or are descended from, or have the strain of, or are closely related to, stock entered in egg-laying contests or poultry shows, prize-winning or championship or high-performance stock or poultry, or the like, when such is not the fact. [Rule 15]

§ 178.16 *Misuse of terms "trapped," "trap nest," "trap-nested stock," "from trap-nested stock," etc.* It is an unfair trade practice to represent, through advertising or otherwise, by the use of such words or expressions as "trapped," "trap nest," "trap-nested stock," "from trap-nested stock," or other words or expressions of similar import, that baby chicks sold or offered for sale have been produced by trap-nested stock, unless and until all of the eggs from which such chicks are hatched are produced by trap-nesting methods and the egg-laying records of the females producing such eggs have been definitely established by trap-nesting for a recognized adequate period of time. [Rule 16]

§ 178.17 *Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.*—(a) *Misrepresentation as to yields of eggs.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that high yields of eggs are received from all or any flocks of a particular seller or producer when such is not the fact, or when such is untrue in whole or in part.

(b) *Misrepresentation as to chicks from hens with purported high egg-laying records.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that chicks are produced by hens having certain purported high egg-laying records when the records of such hens have not been definitely established by trap-nesting for a recognized adequate period of time.

(c) *Misrepresenting baby chicks as from high egg-producing stock, etc.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that baby chicks offered for sale are of high egg-producing stock when such high egg-producing qualities have not been established, or when such

representation is otherwise false, misleading, or deceptive. [Rule 17]

§ 178.18 *Deception respecting male parentage in relation to egg production.* In the case of baby chicks produced from flocks with which a limited number of males having a record for transmitting high egg-production qualities are mated, while other males having no such record are also mated therewith, it is an unfair trade practice to offer baby chicks for sale from such flocks through advertising or representations which directly or by reason of concealment or nondisclosure of fact have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into possess the same high egg-production the erroneous belief that all of such chicks possess the same high egg-production qualities as the said males of high pedigree, or that such flocks have been mated exclusively with males having a record for transmitting high egg-production qualities, or into any other erroneous belief. [Rule 18]

§ 178.19 *Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.* In the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice for any member of the industry by trade or corporate name, through advertising, or otherwise:

(a) To hold himself out as owning or operating a hatchery, chickery, chick nursery, poultry breeding business, or as being the producer of baby chicks, or as operating incubators or producing chicks at a particular place or under claimed or specified conditions, when such is not the fact; or

(b) To use the terms "farm," "poultry farm," "breeding farm" or similar representations, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the baby chicks have been produced on a farm, poultry farm, or breeding farm, of said industry member, when such is not the fact; or

(c) To use the terms or representations specified in paragraphs (a) and (b) of this section, or other terms or representations of similar import, in any other false, misleading, or deceptive manner.

NOTE: Under this section, and in order to avoid misunderstanding, confusion, or deception of purchasers, the terms "farm," "poultry farm," "breeding farm," or other representations of similar import, should not be used in the sale, offering for sale, or distribution of baby chicks when the industry member making such representations does not own and actually operate, or does not occupy (or have possession of) and absolutely control the operation of, such a farm producing the baby chicks.

Where such representations are made and the industry member produces on a farm so owned and operated or occupied and controlled by him only a portion of the chicks, specific disclosure of the facts should be made to purchasers to the extent necessary to fully prevent their being misled or deceived into the erroneous belief, either that all the chicks so offered for sale or sold are produced on such farm of the industry member, or that none of the chicks so offered for sale or sold come from outside sources; that is, from sources or farms not so owned and operated or occupied and controlled by such industry member.

Nothing in this section, however, shall be construed as prohibiting an industry member who actually owns and operates a farm primarily devoted to the production of baby chicks from selling, offering for sale, or distributing, under a trade, corporate, or other name containing the word "farm," baby chicks produced from flocks of cooperating farms along with chicks produced on such member's own farm, if and when the industry member has had and exercised direct supervision and control over all operations and conditions material to the quality, health, and vigor of all said chicks, including selection of the breeding stock of which such baby chicks are the progeny, and all breeding and disease control practices.

[Rule 19]

§ 178.20 *Deceptive depictions or illustrations.* It is an unfair trade practice to use photographs, cuts, engravings, illustrations, or pictorial or other depictions or devices, in catalogues, sales literature or advertisements, or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the size, importance, or location of the premises occupied by a member of the industry, as to such member's equipment, as to his poultry or baby chicks, his breeding flocks or poultry products, or as to any other matter relating to his business or products. [Rule 20]

§ 178.21 *Deception as to transportation or c. o. d. charges.* (a) It is an unfair trade practice to sell or offer to sell baby chicks, through advertising or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the prices quoted for such baby chicks are the prepaid or delivered prices when such is not the fact.

(b) It is an unfair trade practice, by failing correctly to inform customers or by other deception, to cause purchasers to believe that transportation costs will not be charged against them in c. o. d. charges or otherwise, when such is not true in fact. [Rule 21]

§ 178.22 *Misrepresenting offer as limited to time, etc.* It is an unfair trade practice to represent an offer of baby chicks to be limited as to time or otherwise when such is not the fact. [Rule 22]

§ 178.23 *Deceptive representations as to earnings, etc.* It is an unfair trade practice to make false, misleading, or deceptive statements or representations regarding opportunities for making money or actual or probable earnings of agents or dealers handling hatching eggs, baby chicks, or other poultry, or of purchasers raising baby chicks or other poultry. [Rule 23]

§ 178.24 *Misuse of the word "free," etc.* Use of the word "free," or words of similar import, in advertising to designate or describe any industry product which is not in truth and in fact a gift or gratuity, or is not given to the recipient thereof without cost or without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the industry member using such word, is an unfair trade practice. [Rule 24]

§ 178.25 *Deception by means of "bogus independents," "chick outlets," etc.* (a) It is an unfair trade practice for any member of the industry to represent in any manner, directly or by concealment or nondisclosure of the true facts, that a certain chick outlet or outlets are independent of, or in competition with, said member, when such is not the fact, or when said member owns or controls such outlet or outlets directly or through another person, firm, corporation, or group.

(b) It is an unfair trade practice to advertise, offer for sale, or sell baby chicks, under different trade, fictitious, or other names for what is in fact the same concern, whether or not such advertisement or offer for sale is made in the same or different papers, magazines, or other publications, when such advertising, offering for sale, or selling, has the capacity and tendency or effect of misleading or deceiving the public into the belief that such names represent different concerns, or when the practice has a deceptive or misleading capacity and tendency or effect in other respects.

(c) It is an unfair trade practice, by use of the word "hatchery" or other words, or by the display of incubators or the token or purported operation of incubators, or by signs, advertising matter, or through other means, to cause or tend to cause purchasers to believe that baby chicks sold at or shipped or delivered from a certain store, branch, or place of business have been or are actually hatched at such store, branch, or place of business, when such is not the fact. [Rule 25]

§ 178.26 *Misrepresentation respecting new breed of poultry.* It is an unfair trade practice to offer for sale, sell, or directly or by implication to advertise, describe, or represent, any baby chicks or other poultry as being a new breed or as being the progeny of a new breed, when such is not the fact.

This section shall not be construed as preventing baby chicks or other poultry from being described as a new breed if and when they meet the following definition or specification for a new breed as proposed by the industry, and no deception is practiced in relation to such designation or description:

New breed. A group of birds which are of similar size, shape, and skin color and differ from existing breeds in these characters or in the combination of these characters, and the varieties within the breed have similar plumage color and pattern, comb type, and other distinguishing physical characteristics, all of the characteristics of the breed and variety being demonstrated as having been reproduced with a high degree of uniformity.

[Rule 26]

§ 178.27 *Misuse of terms "crossbred," "inbred," "inbred line," "in-crossbred," etc.* In the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice to use the terms "crossbred," "inbred," "inbred line," "in-crossbred," or similar designations or representations as descriptive of baby

chicks when such terms, designations, or representations are not fully and truthfully applicable to such baby chicks or are otherwise used in a false, misleading, or deceptive manner.

For the purpose of §§ 178.0 to 178.40, inclusive, and in their application, use of the terms mentioned in this section in accordance with the following definitions, respectively, is acceptable.

(a) *"Crossbred."* The first generation baby chicks produced:

(1) By crossing two different breeds or varieties; or

(2) By crossing first generation poultry resulting from the combination of two different breeds or varieties with another and different breed or variety; or

(3) By crossing the first generation poultry resulting from the combination of two different breeds or varieties with the first generation poultry resulting from the combination of two other different breeds or varieties.

(b) *"Inbred."* The first generation baby chicks produced by a mating of poultry of known relationship, related to the degree of first cousins or closer.

(c) *"Inbred line."* A group of inbred baby chicks resulting from at least four generations of inbreeding. The poultry constituting the line must be individually identified as to origin and so interrelated that the mating of any pair within the line would result in progeny with an amount of inbreeding exceeding that resulting from three successive generations of full brother-sister matings (coefficient of more than 50%).

(d) *"In-crossbred".* The first generation baby chicks produced:

(1) By crossing two inbred lines of different breeds or varieties; or

(2) By crossing first generation poultry resulting from the combination of two inbred lines of different breeds or varieties with another inbred line of different breed or variety; or

(3) By crossing the first generation poultry resulting from the combination of two inbred lines with the first generation poultry resulting from the combination of two other inbred lines when each line used is of different breed or variety than any other used. [Rule 27]

§ 178.28 *Deceptive use of term "hybrid" prohibited.* It is an unfair trade practice to use the word "hybrid," alone or in conjunction with other words or representations, as descriptive of baby chicks offered for sale, sold, or distributed, when such use of the term or the conditions under which it is applied are such as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect as to the breeding, inbreeding, crossing, production, or generation of such chicks or in any other material respect.

NOTE: It appears there is a substantial and growing number of farmers and other buyers of baby chicks who understand that the term "hybrid," as applied to baby chicks, denotes and implies that such chicks have been produced by combining different breeds or varieties in which there has been a substantial amount of selective inbreeding.

Four generations of inbreeding in parental lines is accepted hereunder as being substantial; and this section is not to be construed as prohibiting the non-deceptive use of the term "hybrid" as descriptive of baby chicks resulting from the combination of inbred lines and conforming to the specifications for "in-crossbred" set forth in § 178.27.

The term "hybrid" should not be used as descriptive of chicks which are not "crossbred" (see definition in § 178.27); nor should such term "hybrid" be used as descriptive of chicks which (although "crossbred") do not qualify for the term "in-crossbred" when in immediate conjunction therewith, conspicuous disclosure of the facts as to the inbreeding or the absence of inbreeding in the production of the chicks is not made to the extent necessary to adequately prevent confusion, misunderstanding and deception of purchasers.

[Rule 28]

§ 178.29 *False or misleading price quotations, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 29]

§ 178.30 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts, in connection with the sale of industry products, or as an inducement thereto, by any method which involves lottery or scheme of chance, is an unfair trade practice. [Rule 30]

§ 178.31 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 31]

§ 178.32 *Use of "loss leaders."* The practice of selling any product of the industry below the seller's cost as a "loss leader" to induce the purchase of any other product of the industry or other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 32]

NOTE: See also § 178.10.

§ 178.33 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 33]

§ 178.34 *Enticing away employees of competitors.* It is an unfair trade practice for any industry member to wilfully entice away the employees of competitors with the intent and effect of unduly hampering, injuring, or prejudicing competitors in their business: *Provided,* That nothing in this rule shall be construed as prohibiting employees from seeking more favorable employment. [Rule 34]

§ 178.35 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of any employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 35]

§ 178.36 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products where the effect may be to substantially lessen competition, tend to create a monopoly, or to unreasonably restrain trade, is an unfair trade practice. [Rule 36]

§ 178.37 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 37]

§ 178.38 *Selling below cost.* The practice of selling or offering to sell industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs, however, which are referred to in this section, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the intent referred to and coupled with the effect of substantially lessening competition, tending to

create a monopoly, or unreasonably restraining trade. [Rule 38]

§ 178.39 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; United States Code, 1940 edition, Title 15, sec. 13c)

[Rule 39]

§ 178.40 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 178.0 to 178.40, inclusive. [Rule 40]

GROUP II

§ 178.100 *General statement.* Compliance with trade practice provisions embraced in §§ 178.101 to 178.105, inclusive, is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 178.101 to 178.105, inclusive, is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 178.1 to 178.40, inclusive.

§ 178.101 *Shipping chicks to fictitious consignees, etc.* The industry condemns the practice of disposing of baby chicks by shipping them to fictitious consignees or without an order from, or consent of, the consignee, necessitating the sale of such undeliverable shipments at public auction by agents of the common carrier in order to secure payment for transportation costs. Such practice is deemed by the industry to be harmful to the chicks and to facilitate the spread of disease. Moreover, it should be noted that the use of such methods in a manner which is contrary to the provisions of § 178.14 is an unfair trade practice. [Rule A]

§ 178.102 *Failure to give notice of change in shipping schedule.* The industry condemns the practice of sellers of baby chicks failing to give proper notice to their customers of any change in shipping schedule thereby causing inconvenience and loss to purchasers. The practice of any deception in this respect is inhibited by the provisions of § 178.1. [Rule B]

§ 178.103 *Failure to ship chicks as promptly as agreed upon.* The industry condemns the practice of failing to ship baby chicks to customers as promptly as has been agreed upon, which practice frequently results in injury to the chicks and inconvenience and loss to customers. The practice of any deception in this respect is inhibited by the provisions of § 178.1. [Rule C]

§ 178.104 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule D]

§ 178.105 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule E]

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the application of these rules.

Promulgated and issued by the Federal Trade Commission September 15, 1948.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8269; Filed, Sept. 14, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 6.3 *Landing requirements,* of Title 19, Code of Federal Regulations, also designated as § 116.3 of Title 8 and § 71.503 of Title 42, is amended by redesignating paragraph (d) as paragraph (f), and inserting two new paragraphs (d) and (e) reading as follows:

(d) *Monthly and annual requests for overtime services and licenses to unlade and lade.* A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter but not to exceed 1 year nor longer than the period of the supporting bond may be granted to a scheduled air line to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 supplemented by a request on customs Form 3853 (modified) for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(e) *Monthly and annual permits to unlade and lade.* The collector may also issue a permit running for any period up to 1 month, and in multiples of months thereafter but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled air line. Customs Form 3851 shall be used for such purpose.

2. Paragraph (a) of § 6.4, of Ttile 19, Code of Federal Regulations, such section being also designated as § 116.4 of Title 8 and § 71.504 of Title 42, is amended to read as follows:

§ 6.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered in such area if landing is made therein and if carrying passengers for hire or merchandise (see § 6.8). Aircraft coming into any area from another area shall be entered in such area if landing is made therein and if carrying residue cargo or passengers other than those departing from the mainland (see §6.9 (e)). Aircraft not required to enter under this paragraph are subject to other customs or applicable immigration and quarantine requirements (see § 6.3).

3. Section 6.8, *Documents for entry,* of Title 19 of the Code of Federal Regulations, such section being also designated as § 116.8 of Title 8 and § 71.508 of Title 42, is amended by redesignating subparagraphs (4) and (5) of paragraph (b) as subparagraphs (5) and (6), and inserting a new subparagraph (4) reading as follows:

(4) In the case of aircraft arriving in the United States on a trip which started in contiguous foreign territory, the total number of pieces of accompanied checked baggage on board shall be shown on the air cargo manifest, unless the number of pieces of baggage belonging to each passenger appears opposite the name of each passenger on any air passenger manifest required under these regulations. In the case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory, the number of pieces of accompanied checked baggage belonging to each passenger shall be shown opposite the name of the passenger on the air passenger manifest or, if an air passenger manifest is not required, on a separate baggage list. Such baggage lists shall contain, in addition to the information mentioned in the preceding sentence, information identifying the flight as specified in the heading of the form of air passenger manifest and that form, appropriately modified, may be used for this purpose. Unaccompanied baggage arriving in the United States under a check number from any foreign country by air shall be shown on the air cargo manifest under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing information, two blank columns, one headed "Name of Examining Officer" and on the right thereof another column headed "Disposition" shall be provided on the air cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or air freight shall be manifested as other air express or freight.

4. The said § 6.8 of Title 19, Code of Federal Regulations, also designated as § 116.8 of Title 8 and § 71.508 of Title 42, is also amended by adding a new paragraph desginated (e) reading as follows:

(e) The provisions of section 446, Tariff Act of 1930 (19 U. S. C. 1446), relating to supplies and stores retained on board, shall be applicable to aircraft arriving in the United States from any foreign port or place.

5. The title and first sentence of paragraph (d) of § 6.10a *Residue cargo; customs,* of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71,511 of Title 42, are amended to read as follows:

(d) *Cargo destined beyond port of first entry.* Aircraft arriving in the United States with cargo on board shown by the manifest to be destined to other ports in the same or in other areas of the United States or outside the United States may be permitted to proceed with such cargo from port to port in the United States or to a foreign country for the unlading thereof under the procedure prescribed in paragraph (e) of this section, upon the giving of a bond on customs Form 7567 or 7569.

6. Paragraph (e) of § 6.10a of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71.511 of Title 42, is amended to read as follows:

(e) *Documents.* When applying for clearance from the airport or place of first entry in the United States the aircraft commander shall present to the collector an air commander's general declaration and air cargo manifests in duplicate covering all the foreign cargo retained on board for discharge at other domestic or foreign ports, together with one copy of the complete general declaration and air cargo manifest filed on entry at such port. If clearance is in order one of the duplicate general declarations shall bear a stamped, mimeographed, or printed certificate signed by the appropriate customs officer to show that permission is granted to the aircraft to proceed to another port of landing. This certificate shall be substantially in the form shown below:

PERMIT TO PROCEED FROM A PORT TO ANOTHER PORT

Permission is hereby given to aircraft described on the face hereof, having on board the articles described on manifest attached hereto, to proceed to _____. The aircraft above, having arrived from and being destined to the points indicated on the face hereof, is proceeding to discharge residue cargo as listed on attached manifest. Bond was taken at initial airport of entry for cargo retained on board. Items of cargo manifested for delivery at this port appear to have been landed. The following clearance has been performed for residue crew, passengers, cargo, and mail on board at:

1st arrival port:	2nd arrival port:	
----------	//////////	Crew members cleared only by Public Health.
----------	//////////	Passengers cleared only by Public Health.
----------	----------	Passengers not cleared by Immigration and Customs.
----------	----------	Pieces of cargo not cleared.
----------	----------	Pieces of mail not cleared.

Given under my hand at _____ This _____ day of _____, 19____.

_____
(Customs officer, 1st port of arrival) (Title)

Given under my hand at _____ this _____ day of _____ 19____.

_____
(Customs officer, 2d port of arrival) (Title)

DECLARATION ON ARRIVAL AT SECOND PORT FROM FIRST PORT

Airport of arrival, ...

I, ..., Commander of the aircraft described on the face hereof, declare and guarantee that there were not, when I departed from the airport of ..... nor have been since, nor now are, any more or other goods, wares or merchandise on board than are stated in the manifests attached hereto.

.....
(Aircraft commander)

DECLARATION ON ARRIVAL AT THIRD PORT FROM SECOND PORT

Airport of arrival, ...

I, ..., Commander of the aircraft described on the face hereof, declare and guarantee that there were not, when I departed from the airport of ..... nor have been since, nor now are, any more or other goods, wares or merchandise on board than are stated in the manifests attached hereto.

.....
(Aircraft commander)

These duplicate general declarations and air cargo manifests together with the copy of the complete general declaration and air cargo manifest shall be returned to the aircraft commander for deposit at the next port. The same procedure shall be followed at following ports for residue cargo to be retained on board for discharge at other ports or places, except that the complete general declaration and air cargo manifest certified at the first port of entry and returned to the aircraft commander for deposit at the next port shall continue to be used as the traveling manifest to accompany any remaining residue cargo to other domestic ports for discharge and shall be retained in the files of the collector of customs at the last domestic port where inward foreign cargo is discharged.

7. Paragraph (f) of § 6.10a of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71.511 of Title 42, is amended by inserting the following as the first sentence: "The provisions of this section shall be applicable to aircraft arriving in the United States from either contiguous or noncontiguous foreign territory."

8. Paragraph (a) of § 6.10c, *Public health requirements*, of Title 19, Code of Federal Regulations, such section being also designated as § 116.13 of Title 8 and § 71.513 of Title 42, is amended by changing "6.3 (d)" to "6.3 (f)" in the parenthetical matter at the end of the paragraph.

Effective date. These amendments shall become effective 30 days after the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) with respect to notice and public procedure thereon is found to be unnecessary because the amendments simplify existing procedures, and are clearly advantageous to all persons and agencies concerned.

(R. S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, secs. 367, 602, 58 Stat. 706, 712, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 49 U. S. C. 177, 42 U. S. C. 201 note, 270, 8 U. S. C. 102, 222; sec. 1, Reorg. Plan No. V of 1940, 5 F. R. 2132, 2223, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.
W. P. DEARING,
Acting Surgeon General,
U. S. Public Health Service.
OSCAR R. EWING,
Federal Security Administrator.
PEYTON FORD,
Acting Attorney General.

SEPTEMBER 8, 1948.

[F. R. Doc. 48-8254; Filed, Sept. 14, 1948; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5654]

PART 192—FERMENTED MALT LIQUOR

MISCELLANEOUS AMENDMENTS

1. On June 10, 1948, notice of proposed rule-making regarding the production of fermented malt liquid was published in the FEDERAL REGISTER (13 F. R. 3121).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 192.7, 192.13, 192.16, 192.22, 192.24, 192.25, 192.26, 192.27, 192.31, 192.33, 192.41, 192.46, 192.76 to 192.81, inclusive, 192.87, 192.89, 192.92 (a), 192.94, 192.95, 192.96, 192.107, 192.111, 192.118, 192.125, 192.127, 192.129, 192.130, 192.146, 192.149, 192.150, 192.175, 192.184, 192.185, 192.187, 192.191, 192.195, 192.196, 192.201, 192.204, 192.207, 192.209, 192.224, 192.252, 192.259, 192.260, and 192.263 of Regulations 18 (26 CFR, Part 192), approved May 20, 1940, are hereby adopted.

3. These amendments are designed to simplify the procedure relating to the production, removal, bottling, storage, and exportation of fermented malt liquor.

§ 192.7 *Brewery buildings.* Brewery buildings must be securely constructed of substantial, solid materials. If there are buildings used in the conduct of another business (except as hereinbefore authorized) adjoining the building on the brewery premises, such other buildings must be entirely separated from the brewery buildings by substantial, solid, and unbroken walls from the ground to the roof in a direct vertical line. If beer is conveyed from the brewery to the bottling house by pipe line, the brewery premises must be adjacent or contiguous to the bottling house premises. If the brewery and the bottling house are adjoining, there shall be no interior communication between the two premises and such premises must be separated by solid and unbroken walls, except for authorized conduits, tunnels, and pipe lines. (Secs. 3157, 3176, I. R. C.)

§ 192.13 *Other pipe lines.* If it is necessary that pipe lines for refrigeration, for heating purposes, or hot water for washing tanks, bottles, etc., pass from the brewery to the bottling house, such pipes must be installed in such a manner that they cannot be used for conveying fermented malt liquor to the bottling house. (Secs. 3157, 3176, I. R. C.)

§ 192.16 *Tanks and vats.* Each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer, in connection with the operation of the brewery, shall be located in the brewery building and be constructed of suitable materials. Each such tank, vat, cask, or other container shall be permanently marked to show its designated use, such as "Fermenting Tank," "Storage Tank," "Settling Tank," etc., and its serial number and capacity in barrels of 31 gallons. Tanks that are used for a dual purpose, such as fermenting and storage, will be designated to indicate both usages. All such tanks or other containers shall be equipped with a suitable measuring device so that the actual contents thereof may be determined, except that in lieu of equipping each tank or container with an individual measuring device, the brewer may use meters, portable gauge glasses, or other suitable measuring device, whereby the contents of the tank or other container may be correctly ascertained. (Secs. 2829, 3176, I. R. C.)

§ 192.22 *Location and installation.* The meters will be located on the brewery premises: *Provided*, That the district supervisor may approve the location of the bottling meters on the bottling house premises upon establishment by the brewer of a good and sufficient reason therefor and the supervisor is satisfied that the structural arrangement of the pipe lines and meter will permit an accurate measurement of the fermented malt liquor transferred for bottling. Each bottling meter must be installed in such manner that all beer transferred to the bottling house will pass through the meter. The beer line from the brewery to the bottling house must be brazed, sweated, or welded to a companion flange which shall be fitted to the inlet flange of the meter when the meter is located on the bottling house premises, and to the outlet flange of the meter when the meter is located on the brewery premises. These connecting flanges will be bolted and sealed with Government cap seals. Meters must be provided for racking and each meter installed as near as possible to the racker tank in such manner that all beer moving into the racking machine will pass through the meter. The beer line from the meter to the racker tank must be brazed, sweated, or welded to flanges which are fitted to the flanges on the outlet side of the meter and also to the racker tank at the point of entrance. These connecting flanges at the meter and the racker tank will be bolted and sealed with Government cap seals. (Secs. 2829, 3157, 3176, I. R. C.)

§ 192.24 *Cap seals placed on meters.* Prior to approval of the installation of the meter, the inspector shall remove all manufacturer's seals and replace them with Government cap seals. The inspector shall enter on an appropriate record the serial number of each Government cap seal placed on the meter,

together with the serial number of the meter to which attached. Each entry will be dated and initialed by the inspector. The record shall be retained in the Government cabinet. (Secs. 2829, 3176, I. R. C.)

§ 192.25 *Inspection of meter.* Upon notice from the brewer that the meter has been received, the supervisor shall assign an inspector, or inspectors, to supervise its installation. When the inspector is satified that the meter is properly installed and pipe connections made in accordance with the requirements of the regulations, he shall test the meter by the use of a master meter, and determine that it is operating within the tolerance prescribed by the "meter specifications." The inspector will report to the supervisor in writing, which shall be accompanied by the inspector's report of the master meter test. The meter must not be used until such test has been made. (Secs. 2829, 3176, I. R. C.)

§ 192.26 *Repairs and adjustment.* When necessary in the opinion of the supervisor, or upon request of the brewer, the supervisor will detail an inspector to supervise the dismantling and reassembling of the meter for the purpose of cleaning or repair. If the meter cannot be repaired or a replacement meter installed without delay, the inspector will, upon removal of the meter, cause the open beer line to be closed by locking the cut-off valve with a Slaight seal lock or affixing a Government cap seal. When the repairs are completed or a new meter installed, the inspector will test the repaired or newly installed meter with a master meter. Minor repairs to the counter mechanism such as cleaning to facilitate reading will not necessitate a master meter check. The officer will report on the record referred to in § 192.24, the removal and use of cap seals. The inspector will destroy all removed cap seals in a manner sufficient to prevent their further use. A report will be made in triplicate on Form 138 of any master meter check occasioned by repairs and adjustment. One copy will be given to the brewer, one filed in Government cabinet at the brewery and one copy forwarded to the district supervisor. The use of any meter must be discontinued whenever it appears that the revenue will be jeopardized by the continued use of such meter. (Secs, 2829, 3176, I. R. C.)

§ 192.27 *Facilities for meter test.* The brewer will provide adequate facilities for master meter tests of all regularly installed meters. The pipe lines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipe lines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 192.22. (Secs. 2829, 3176, I. R. C.)

§ 192.31 *Description of premises.* The lot or tract of land on which the brewery is situated, and the lot or tract of land on which the brewery bottling house is situated, must be separately described on Form 27–C by courses, and distances, in feet and inches, with the particularity required in conveyances of real estate. The continuity of the brewery premises and the bottling house premises must be unbroken, except that the continuity will not be considered as broken where the premises are divided by a public street or highway, if the parts of the premises so divided abut on such street or highway opposite each other. The same is true where the premises are so divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the brewery and the bottling house premises shall be described separately on the form. Nothing in this section shall be construed to prevent the separation of the brewery bottling house into two or more parts or sections for bottling, or storage of beer bottled in the brewery bottling house, provided the bottling house premises conform with the requirements of § 192.7. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.33 *Description of apparatus and equipment.* The brew kettles, mash tubs, fermenting tanks, storage tanks, and other major equipment used in the production of fermented malt liquor will be described separately as to use, serial number, and capacity, in barrels of 31 gallons, as specifically required by the Form 27–C and the instructions thereon. All tanks, bottling apparatus and other major equipment in the bottling house used for bottling fermented malt liquor, must be described in the notice, separately, as to use, serial number, and, in the case of tanks, capacity in barrels of 31 gallons. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.41 *Trade name certificate.*

* * *

(a) *Bottling under trade name.* Where a brewer intends to bottle beer under a trade name, or names, other than the name under which the brewery or bottling house is qualified to operate, he must include such trade name in Form 27–C for that purpose, furnish the trade name certificate, or statement in lieu thereof required by this section, and obtain appropriate certificates of label approval or certificates of exemption from label approval in any case where Regulations No. 7, issued under the Federal Alcohol Administration Act, is applicable. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.46 *Penal sum.* The penal sum of a brewer's bond to cover the manufacture of fermented malt liquors, must be equal to the amount of the tax as prescribed by law, which, in the opinion of the district supervisor of the district in which the brewery is located, the brewer will be liable to pay during any one month; that is to say, the maximum quantity of fermented liquors that, in his opinion, will actually be tax-paid at said brewery during any one month: *Provided,* That the penal sum of any such bond shall not exceed $100,000 nor be less than $1,000. (Secs. 3155 (b), 3176, I. R. C.)

§ 192.76 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat will be not less than 1/50 inch per foot. Each sheet of the plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Sec. 3176, I. R. C.)

§ 192.77 *Description of brewery and bottling house premises.* Plats must show separately the outer boundaries of the brewery and bottling house premises by courses and distances, in feet and inches, and the point of beginning with respect to its distance and bearings from some near and well-known landmark, and must contain an accurate depiction of the building, or buildings, comprising the premises and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The brewery and bottling house premises must be shown in contrasting colors or by a legend such as cross hatching, a broken line, etc. If the premises are separated by a public highway, or a railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right-of-way, opposite each other, the different tracts will be described separately by courses and distances, in feet and inches. If two or more buildings are used, the designated name of each will be indicated and all passage ways and other openings, if any, and all connecting pipe lines used for the conveyance of fermented malt liquor between the same depicted. All pipe lines and other connections between the brewery premises and other premises must be indicated on the plat and identified as to use. Where two or more buildings are used for the same purpose, the name of each building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. (Sec. 3176, I. R. C.)

§ 192.78 *Plans.* Plans will include a floor plan of each floor of each building actually used in connection with the manufacture, packaging and bottling of fermented malt liquor or other authorized activity, indicating the general dimensions of the rooms and floors. The location of doors, windows, and other openings will be shown. The approximate location and serial numbers of brew kettles, mash tubs, fermenting tanks, settling tanks, storage tanks, and other major apparatus and equipment used in the production of fermented malt liquor must be shown or indicated on the plan

by drawing or wording. For example, where a number of tanks are located in a room, the approximate location of each tank may be shown on the plan by circle or square, and the kind and serial number of the tank indicated within the circle or square, or elsewhere on the plan, or the fact that the tanks are located within the room may be indicated by wording, giving the kinds and serial numbers of the tanks. (Sec. 3176, I. R. C.)

§ 192.79 *Conduits or pipe lines.* The conduit or pipe line used for the transfer of fermented malt liquor from the brewery to the bottling house will be shown in red on the plat, and the details of construction, the manner of securing same, and the location of meters and Government locks will be shown. All other pipe lines connecting the brewery and bottling house will be shown on the plat and will be designated as to use. The direction of flow of fermented malt liquor through the pipe lines must be indicated by arrows on the plat. (Secs. 3157, 3176, I. R. C.)

§ 192.80 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the brewer, the draftsman and the district supervisor substantially in the following form:

(Name of brewer)

(Address)
Approved ---
(Date)
Accuracy certified by:

(District supervisor)

(Name and capacity—for the brewer)

(Draftsman)
---, 19---- Sheet No. ---
(Date)

(Sec. 3176, I. R. C.)

§ 192.81 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Sec. 3176, I. R. C.)

§ 192.87 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof, in triplicate, to the district supervisor within 5 days of such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing the election of the new officers within 5 days after such election. (Sec. 3176. I. R. C.)

§ 192.89 *Special tax stamps.* Where there is a change in proprietorship of the brewery, the successor must procure the required special tax stamps: *Provided,* That where a change in proprietorship occurs by reason of the withdrawal of one or more members of a partnership, the special tax stamp, or stamps, may be validated if within 30 days after the withdrawal there is filed with the collector of internal revenue, an amended return on Form 11, showing the required information regarding the remaining partner or partners. The special tax stamp, or stamps, must also be forwarded to the collector for appropriate endorsement of the change in the partnership. (Secs. 3176, 3250, I. R. C.)

§ 192.92 *Change in location.* * * *

(a) *Special tax.* Where there has been a change in location, the brewer must, within 30 days after such change is made, file with the collector of internal revenue an amended return on Form 11 covering the new location of the premises; otherwise, new special tax stamps must be purchased. The special tax stamp, or stamps, must be forwarded to the collector for endorsement of the change in location. (Secs. 3176, 3250, 3278, 3280, I. R. C.)

§ 192.94 *Changes in construction and use.* Where a change is to be made in the construction or use of a room, or building, that will affect the accuracy of Form 27–C and plat or plans, the brewer shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon completion of the changes, the brewer will comply with the provisions of § 192.96. (Sec. 3176, I. R. C.)

§ 192.95 *Changes in equipment.* Where changes are to be made in brewery equipment that affect the accuracy of Form 27–C and plat or plans, the brewer shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided,* That emergency repairs coming under this category of changes may be made without prior approval of the district supervisor. Where such emergency repairs are made, the brewer will file immediately a report thereof, in triplicate, with the district supervisor. (Sec. 3176, I. R. C.)

§ 192.96 *Amended notice and plats or plans.* Where changes have occurred under §§ 192.94 or 192.95, amended notice and plat or plans will be filed on or before May 1 to reflect the changes made during the preceding calendar year. The district supervisor may require the immediate filing of such documents upon completion of changes that materially affect the accuracy of the existing Form 27–C and plat or plans. (Sec. 3176, I. R. C.)

§ 192.107 *Disposition of qualifying documents.* Where the bond or consent of surety is approved by the district supervisor, he will forward the original copy of the bond, and the original copy of the notice, plat, plan, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner, one copy of the bond, notice, plat, plans, and other qualifying documents to the brewer and will retain one copy of such qualifying documents for the file of such brewer, and will authorize the brewer to commence operations. The documents returned to the brewer will be filed in proper order and made available for inspection during ordinary business hours. If the bond or consent of surety is disapproved by the district supervisor, all copies thereof shall be returned to the principal, and the surety or sureties shall be notified of such action. The district supervisor will promptly advise the Commissioner fully respecting the disapproval of any bond by him. If the bond or consent of surety has been disapproved, the district supervisor will return all copies of other qualifying documents to the applicant, or brewer. (Sec. 3176, I. R. C.)

§ 192.111 *Review of documents.* The Commissioner will review the qualifying documents, and determine that they are properly executed, and in conformity with the requirements of law and regulations concerning construction and establishment. If such documents are not in conformity with the above requirements, the Commissioner will return all copies to the district supervisor, with the necessary instructions for correction. (Sec. 3176, I. R. C.)

§ 192.118 *Special tax.* Brewers are required to pay, within the calendar month in which they commence operations, the special tax required by section 3250 (c), Internal Revenue Code. Special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax is reckoned for one year; and in the latter it is reckoned proportionately from the 1st day of the month in which the liability to special tax commenced to and including the 30th day of June following. (Secs. 3176, 3250 (c) (1), 3271 (b), I. R. C.)

§ 192.125 *Beer tax rate.* All beer, lager beer, ale, porter, and other similar fermented liquors, containing one-half of 1 per centum, or more, of alcohol by volume, brewed or manufactured and sold, or removed for consumption or sale, by whatever name such liquors may be called, are subject to the tax prescribed by section 3150 (a), Internal Revenue Code, for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law. (Secs. 3150 (a), 3176, I. R. C.)

§ 192.127 *Method of tax payment.* The tax on fermented liquor is required by law to be paid by the owner, agent, or superintendent of the brewery or premises in which it is made, and must be paid by stamp and at the time and in the manner specified by the regulations in this part. (Secs. 3150 (b), 3176, I. R. C.)

§ 192.129 *More than one brewery owned by the same person.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name

of the brewer and the location of one or more of such breweries branded or embossed thereon or indented therein may be used for the removal of tax-paid fermented malt liquor from the premises of all such breweries, provided, whenever a barrel or keg so branded is filled with tax-paid fermented malt liquor for removal, a label, showing the location (city and state) of the brewery at which the fermented malt liquor was produced, is securely affixed thereon. If more than one such brewery is located in the same city, such label shall show the location by street number, city, and state. (Secs. 3155 (f), 3176, I. R. C.)

§ 192.130 *Rebranded barrels.* No wooden barrel or keg which has been rebranded across the staves and no wooden barrel or keg which has the name of more than one manufacturer branded thereon may be used by a brewer as a container for fermented liquor: *Provided*, That the removal and replacement of one or more staves by the brewer whose name and address was originally so branded on a barrel or keg shall not be deemed to be a rebranding: *And provided further*, That where wooden barrels or kegs are sold by one brewer to another, or are sold under court order, the brands on such barrels or kegs may, upon application to, and approval of, the district supervisor, be scraped and the barrels or kegs rebranded by the purchasing brewer, and in the case of metal barrels or kegs the original marks may be covered by a metal plate so welded into the barrel as to become an integral part thereof. Where a brewer has discontinued business, the successor may comply with the provisions of this section by placing additional marks and brands on the barrels and kegs, in accordance with § 192.128, which indicate the successorship, without removing the marks and brands of the predecessor. (Secs. 3155 (f), 3176, I. R. C.)

§ 192.146 *Beer transferred to bottling house by pipe line.* Sufficient stamps to cover the taxpayment of all fermented malt liquor to be transferred to the bottling house each day must be on hand at the brewery. The brewer will make a daily report on Form 139, in triplicate, of all beer run through the meter for bottling. The daily report will be prepared before the close of the business day next succeeding the day on which the transactions occur. Report of meter readings will be made from the continuous counter. At the time of making his report on Form 139 the brewer will cancel the number of beer stamps corresponding to the quantity of beer metered for tax payment, in the manner prescribed for the cancellation of stamps for barrels or kegs of fermented malt liquor. The set-back counter may be used by the brewer for checking continuous counter readings, and upon completion of the day's run for bottling, it must be set at zero. The brewer will attach the canceled stamps to one copy of Form 139, to be delivered to the inspector who visits the brewery and takes the meter reading. One copy of each Form 139 will be attached to Form 103 by the brewer, and will be transmitted by him to the district supervisor. The third copy will be retained by the brewer as a part of his Government record, to be kept available for inspection by officers of this Bureau. The inspector, having satisfied himself by an inspection of the stamps that they are sufficient to cover the tax due on the beer passed through the meter for taxpayment as indicated by Form 139, and that they have been properly canceled by the brewer, will, in the presence of the brewer, further cancel and deface the stamps so delivered, by driving through them a die or punch, in such manner as to cut from the center of each stamp a piece thereof not less than one-half inch square, and will sign the receipt on the three copies of Form 139. The meter will be read, and Forms 139, with canceled stamps attached, will be collected from the brewer by any inspector visiting the brewery to make a master meter check, or any special inspection, or on monthly inspection. (Secs. 3157 (a), 3176, I. R. C.)

§ 192.149 *Containers and records.* Brewer's yeast, in liquid or solid form containing not less than 10 percent solids (as determined by the methods of analysis of the American Society of Brewing Chemists), may be removed from the brewery in barrels, tank wagons, or other suitable containers, or by pipe line. If removed in containers, the containers must bear labels giving the name and location of the brewery, and the words "Brewer's Yeast." If removed by pipe line, the pipe line will be indicated on the plat and described in the Form 27–C, and the premises receiving the product will be subject to inspection by Government officers during ordinary business hours. The brewer must keep records open for inspection by Government officers showing the quantity and date of removal, and the name and address of the consignee. Brewer's yeast may be removed for sale to other brewers for use in the manufacture of beer and to other concerns (including off-premise plants of brewers) for the preparation of stock foods and medicinal products, or for any other legitimate purposes. (Secs. 3158, 3176, I. R. C.)

§ 192.150 *Malt sirup.* Records shall be kept by the brewer of all malt and malt sirup removed from the brewery. Such records must show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records must be available for inspection by Government officers. (Secs. 3158, 3176, I. R. C.)

§ 192.175 *Temporary storage.* All undelivered beer returned to a brewery may be held in temporary storage. Returned beer held in temporary storage must be kept completely segregated from all other beer, identified as returned beer, and stored in such manner as to be immediately accessible to Government officers. The stamps on barrels of returned beer must remain intact while in temporary storage. Such beer must be removed from the brewery prior to the removal of other beer of the same kind or type, except that for the purpose of refrigeration the removal of such returned beer may be postponed for a period not exceeding 5 days, after the first delivery of beer of the same kind or type, such period to be exclusive of Sunday and holidays. Unless so removed, the beer will no longer be considered as being in temporary storage and must be returned to general brewery stock, in which event the stamps on the barrels must be destroyed and new stamps affixed when the beer is again removed from the brewery. Refund or credit for such stamps destroyed cannot be allowed. (Sec. 3176, I. R. C.)

§ 192.184 *Examination of beer.* The inspector will examine the beer to determine (a) its condition, (b) that it is unsalable, and (c) the apparent reason for its having become unsalable. He will verify the quantity to be destroyed or returned to the brewery. The inspector will take samples of the unsalable beer, selected at random from several of the lots accumulated and determine the per cent of alcohol by volume. Samples of beer similar to that which is being destroyed or returned to the brewery, will be selected from the brewery storage vats and the alcoholic content determined for comparison with the tests of samples of unsalable beer. Any other tests of the unsalable beer will be made by the inspector that will aid in verifying the statements in the brewer's affidavit. (Secs. 3153, 3176, I. R. C.)

§ 192.185 *Requirements for accumulation in tanks.* Brewers may accumulate in calibrated tanks provided especially for that purpose, any fermented malt liquor which has not been removed from the bottling house and which is unsalable by reason of its condition. A record will be kept of the quantity of fermented malt liquor deposited in the tanks each day, and a record of the bottling from which the unsalable beer was accumulated. The daily record will show the balling, alcoholic content by volume, and amount of each type bottled, and will be submitted in support of the affidavit made under § 192.181. The brewer will ascertain the balling and alcoholic content of the accumulated beer to be offered for inspection, and will make appropriate computations by comparison with the average balling and alcoholic content of the beer bottled daily during the collection period to determine the actual amount of unsalable beer collected, upon which refund may be claimed, and the amount of water that may have been incidentally introduced into the tank, for which refund is not allowable. The inspector will take appropriate samples of the fermented malt liquor for use in determining the balling and percent of alcohol and whether the beer is unsalable. He will also make such examination of the brewing and bottling records as may be necessary to verify the brewer's affidavit and supporting data. (Secs. 3154, 3176, I. R. C.)

§ 192.187 *Copy to Commissioner.* The original of the inspector's report, together with one copy of the brewer's affidavit, will be forwarded by the district supervisor to the Commissioner, accom-

panied by a statement setting forth the district supervisor's views as to the propriety of allowing the claim for refund of the tax paid on the unsalable beer. (Secs. 3154, 3176, I. R. C.)

§ 192.191 *Claims for refund.* Claims for refund of tax on fermented malt liquor destroyed in the bottling house or returned to the brewery because of the fermented malt liquor being unsalable, will be filed on Form 843, in duplicate. Claims must be filed with the district supervisor of the district where the brewery is located within 90 days after the close of the month within which such destruction of the fermented malt liquor, or the return thereof to the brewery for use as brewing material, occurred. A claim shall be deemed to have been "filed" when it is delivered to, and received by, the office of the proper district supervisor. The district supervisor will certify the claim as to the total amount of tax paid on the fermented malt liquor in question, and will forward the claim to the Commissioner with the papers referred to in § 192.187. (Secs. 3154, 3176, I. R. C.)

§ 192.195 *Record of beer bottled for export.* Before the close of business of the business day next succeeding the day on which beer is removed from the brewery to the bottling house and bottled for export, the brewer will enter the quantity so bottled in Form 139 at the line entitled "Less tax-free transfers." The brewer will write in this line the words "Bottled for export." (Secs. 3153 (b), 3176, I. R. C.)

§ 192.196 *Form 1626.* Record will be kept by the brewer on Form 1626 of all fermented malt liquor bottled for export. Entries must be made in this record before the close of business of the business day next succeeding the day on which the transactions occur. The brewer will attach one copy of Form 1626 to each copy of Form 103 rendered by him to the supervisor, and one copy to the Form 103 retained by him at the brewery. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.201 *Marks on containers.* Each keg, barrel, shipping case, crate or other package containing fermented malt liquor to be exported under these regulations in this part, without the payment of tax, must plainly and legibly show the brewer's name and address, and the words "Fermented Malt Liquor for Export—Lot No. ____" in letters and figures of not less than three-fourths of an inch in height. The lot number assigned must correspond with the brewer's serial number of the Form 1689. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.204 *Details on Form 1689.* Each application on Form 1689 will be given a serial number by the brewer, beginning with number 1. On July 1 of each year he shall begin a new series, commencing with number 1. The details required by the application must be filled in completely and legibly by the brewer. The name of the carrier—that is, vessel or vehicle on which shipment will be carried from the exterior limits of the United States—unless known to the brewer, will be filled in by the agent of the brewer at the port of exportation, who will sign the request for customs inspection as exporter. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.207 *Examination by inspector.* Upon receipt of Forms 1689 from the supervisor, the inspector will verify the quantity of fermented malt liquor to be exported. In verifying the contents of the containers of fermented malt liquor, the inspector will examine a representative number of such containers or will use any other method of inspection which will reasonably disclose that the contents of the containers are as represented by the Form 1689 and that the containers are properly marked and labeled. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.209 *Change of consignee.* Where, after inspection of an export shipment, but before removal, the brewer, for good and sufficient reasons, desires to change the name and address of the consignee, he will forward the two copies of Form 1689, left with him by the inspector, with a letter to the district supervisor, for correction, indorsement, and return. Where a change of consignee is desired after removal of the fermented malt liquor, the district supervisor may authorize such change and notify the appropriate collector of customs. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.224 *Shortage in foreign landing.* If a shortage is reported, the district supervisor shall enter credit for the actual quantity, if any, received at the foreign port as indicated by the evidence of landing and shall report promptly for assessment the amount of the tax due on the shortage. If shortages are disclosed in more than one export shipment of a brewer, all the shortages reported during a month may be included in a consolidated assessment to be reported at the close of the month. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.252 *Labels.* Bottles or cans containing cereal beverages not taxable as fermented liquors are required to have a label setting forth the following information:

(a) Name of the brewer.

(b) The location of the brewery by city and state, or street number, city, and state, if the brewer operates more than one brewery in the same city.

(c) Distinctive name of the beverage, if any.

(d) "Non-taxable as Fermented Liquor Under Federal Law." The label may contain other statements desired by the brewer if they are not inconsistent with the requirements of this section. (Sec. 3176, I. R. C.)

§ 192.259 *Form 103.* Each brewer shall keep Form 103, "Monthly Record of Transactions at Brewery," or its equivalent in book form, reporting thereon the quantity of each kind of material received and used in the production of fermented malt liquor, the amount of fermented malt liquor produced therefrom, the amount of fermented malt liquor removed from the brewery premises and other information required by the regulations in this part, and by the lines and instructions on the form. The materials brewed each day and the fermented liquor produced therefrom, shall be reported on such record as of the calendar day during which the brews were started. There shall also be reported as a special debit in the "Summary of Fermented Malt Liquor" of Form 103, the quantity of water, if any, used in adjusting the balling or alcoholic content of the fermented malt liquor after removal from the settling tanks. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Monthly returns of the operations of such plants on Form 103 shall be made not later than the 10th day of each month for the preceding month. Such returns shall be made in triplicate. Each copy shall be duly sworn to or affirmed. Two copies shall be forwarded to the supervisor, who shall forward one to the Commissioner in accordance with instructions on the form. The remaining copy will be retained by the brewer and filed as a permanent record, so as to be available for inspection at any time within the succeeding four years. (Secs. 3155 (c), 3171 (a), 3176, I. R. C.)

§ 192.260 *Daily sales record.* Each brewer must keep at the brewery, and available for inspection at all times, a daily sales record, showing in detail the number and kind of packages, such as hogsheads, barrels, half-barrels, cases, etc., of fermented malt liquor and cereal beverages sold or removed, the names and addresses of the purchasers, and the amounts sold to each such purchaser. The sales records will be held available for inspection for a period of four years. (Sec. 3176, I. R. C.)

§ 192.263 *Form 1689.* Application will be made on Form 1689 for the removal of fermented malt liquor from a brewery, or from the bottling house of a brewery, for use as supplies on vessels and aircraft. (Sec. 3176, I. R. C.; sec. 3, 55 Stat. 602 (19 U. S. C. Supp., 1309))

4. Sections 192.197, 192.205, 192.206, 192.208, 192.214 to 192.218, inclusive, 192.221 to 192.223, inclusive, and 192.258 (b) are amended by striking out "Form 550" wherever it appears therein, and substituting therefor "Form 1689."

5. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 318, 365, as amended, 367, 368, 370, 371, 388, as amended, 394, 395, 396, sec. 3, 55 Stat. 602; 26 U. S. C. 2829, 3150, 3153, 3154, 3155, 3157, 3158, 3176, 3250, 3271, 3278, 3280; 19 U. S. C. 1309)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 8, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8256; Filed, Sept. 14, 1948; 9:05 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY OF CHECKS OR WARRANTS

SEPTEMBER 7, 1948.

Section 211.3 (a), appearing also as § 211.3 (a) of Department Circular No. 655, dated March 19, 1941, is hereby amended to read as follows:

§ 211.3 *Withholding of delivery of checks or warrants.* (a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Albania, Germany and Japan are such that there is not a reasonable assurance that a payee in any of those countries will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

Except to the extent they have been authorized by unrevoked licenses of Foreign Funds Control, remittances by United States Government agencies to blocked countries will continue to be restricted by Executive Order 8389, as amended, and rules and regulations issued pursuant thereto.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8255; Filed, Sept. 14, 1948; 9:05 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

PUBLICATION OF TRANSFER ORDERS

CROSS REFERENCE: Transfer Orders issued by the Secretary of Defense will be published in the Notices section starting with the current issue.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY, MD., AND VA., AND ITS TRIBUTARIES

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.50 governing the placing and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, is hereby superseded by the following:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures*—(a) *Authority.* (1) Fishermen, oystermen, and crabbers who desire to operate in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, are hereby authorized to construct and maintain fishing structures, to make oyster bottoms, and to place and mark crab pots, subject to the regulations in this section.

(2) This authority shall not be interpreted as setting aside exclusively for fisheries any area of navigable water. It does not give any property rights either in real estate or material, or any exclusive privileges, and does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized.

(3) If at any time it shall be made apparent to the Secretary of the Army that any fishing structure placed under this authority causes unreasonable obstruction to free navigation, the owner will be required, upon due notice from the Secretary of the Army, to remove or alter such structure so as to render navigation reasonably free, easy, and unobstructed.

(4) The United States shall in no case be liable for any damage or injury to fishing structures placed or work done under this authority which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(b) *Supervision.* General supervision of the location, construction, and manner of maintenance of all fishing structures shall be exercised by the District Engineer, Corps of Engineers, having jurisdiction over the waters in which the structures are placed.

(c) *Fishing structures.* (1) The term "fishing structures" shall include lines of fish net, settings, stakes, leads, traps, pounds, gill or fyke nets, heads, hedging, oyster bottom and crab pot markers, and similar appurtenances. The types of structures permitted shall conform to the laws of the State within which the structures are placed.

(2) No single fishing structures shall have a length greater than that prescribed by the laws of the State within which it is placed. The distance between adjacent lines of fishing structures shall be that prescribed by the laws of the respective States of Maryland and Virginia. In localities not covered by the laws of these States, the distance between lines of fishing structures shall be a least 400 yards. Fishing structures shall be construed as being in the same line when the distance between adjacent structures, measured along a line generally perpendicular to the structures, is not more than 200 feet. When adjacent structures are judged to be in the same line, the distance between them, measured along a line generally parallel to the structures, shall be at least 200 feet. The required openings between adacent structures shall be maintained clear and unobstructed. A clear fairway at least 200 feet wide shall be maintained from navigable channels to established boat landings. All stakes shall project at least three feet above the surface of the water at all ordinary high stages of the tide. Fyke and other submerged fishing structures shall be marked by stakes set at intervals not greater than 50 feet. Marker stakes left in place between fishing seasons for subsequent reestablishment of the fishing structure shall project at least eight feet above the surface of the water at all ordinary high stages of the tide and be marked as provided in subparagraphs (3) and (4) of this paragraph. Stakes not in compliance with the above conditions shall be spliced or withdrawn.

(3) Both ends of each fishing structure shall be marked plainly by a bush or other suitable and readily discernible day mark.

(4) The name and address of the owner of each fishing structure shall be displayed in black letters not less than two inches in height, upon a white background, on a stake at the outer end of the structure, at such height and in such position that it may be easily read. The identification mark must be displayed from the setting of the first stake until removal of the last stake.

(5) Fishing structures, with the exception of markers on oyster bottom leaseholds and crab pots, shall be lighted between sunset and sunrise, by and at the expense of the owner, for the safety of navigation. A white light shall be displayed at the outer end of the structure. The light shall have a capacity to burn for at least eight days unattended and be visible in clear night weather at least one mile. The light shall be securely placed on piles or stakes at an elevation of at least eight feet above mean low water and be visible from all points of the compass and from the air. It shall be subject to inspection and approval of the District Engineer before use, and at any time during use, and the owner shall make provision, by watchman or otherwise, for its proper attendance, so that it shall be in effective condition and properly lighted at all times between sunset and sunrise. In case of removal of the fishing structure, the light prescribed above shall be maintained until the removal of the last pile or stake.

(6) There shall be installed and maintained on the structure by and at the expense of the owner, such additional lights and signals, if any, as may be prescribed by the United States Coast Guard.

(7) Fishing structures from which the nets have been temporarily removed will not be considered as abandoned if the structures are otherwise in a state of good repair and are provided with the necessary lights, name and address plates, and day markers.

(8) Crab pot stake markers shall be located shoreward of approved fish stake limit lines and where no limit lines are prescribed shall conform to the requirements of paragraph (d) of this section. The diameter of the stake shall not exceed two inches at the water surface, shall project at least six feet above the surface of the water at all ordinary high stages of the tide, and shall be marked with the name and address of the owner and a day marker consisting of a bush

or other suitable and readily discernible object.

(9) Markers on oyster ground leaseholds shall be of such size and type, and shall have such markings, as may be prescribed by the laws of the respective States of Maryland and Virginia. They may be placed channelward of approved fishing limits under such conditions as may be prescribed by the District Engineer in charge of the locality.

(10) The owner of a fishing structure shall be responsible for properly locating, constructing, and repairing such structure and for maintaining such lights and markers as are required by the regulations in this section. Structures shall be considered as abandoned at such time as any or all of these requirements are not fully complied with and the owner or owners shall promptly remove all stakes from an improperly located or abandoned structure or be subject to prosecution. Improperly located or abandoned fishing structures may be summarily removed, sold, or otherwise disposed of by the District Engineer charged with general supervision of the locality.

(d) *Limits.* (1) The approved limits of the areas within which fishing structures may be placed, described in paragraphs (e), (f), and (g) of this section, are shown on United States Coast and Geodetic Survey charts printed subsequent to the date of approval or revision of this section and which bear a note referring to such date or dates. Copies of these charts may be examined in the offices of the respective District Engineers. Regular aids to navigation are used where possible to mark the limits of the areas, and special fishing structure buoys have been established where additional markers are necessary. These special buoys are designated in paragraphs (e) (f), and (g) of this section as S "1B", S "1W", and S "1N" for the Baltimore, Washington, and Norfolk Districts, respectively.

(2) The approach to the mouth of any navigable tributary or to the mouth of any navigable branch of any tributary shall be left free and unobstructed by fishing structures. Where limit lines are not prescribed, the free and unobstructed approach shall lie along the channel usually followed by boats and shall have a width of not less than one-third of the width of the mouth of the tributary or branch.

(3) Within the navigable tributaries where limit lines are not prescribed a channel in deep water of at least one-third of the total width of the waterway at the locality shall be left free and unobstructed for the use of boats.

(4) No fishing structures shall be placed within 500 feet of any buoy or other aid to navigation (fishing structure buoys excepted) placed or maintained by the United States Coast Guard.

(5) No fishing structures shall be placed within 200 feet of the edges of dredged channels.

(6) Nothing in the regulations in this section shall supersede any danger zone regulations prescribed by the Secretary of the Army for Chesapeake Bay and its tributaries. (See Part 204 of this chapter. Copies of these regulations can be secured from the District Engineer in charge of the locality or from the commanding officer of the using agency.)

(7) In paragraphs (e), (f), and (g) of this section the geographic positions of a sufficient number of control points to describe the approved fishing limits accurately are given. Positions of intermediate fishing structure buoys and aids to navigation marking the approved fishing limits which are not given may be located by referring to the charts. The control points listed are connected by straight lines unless otherwise indicated. Aids to navigation used as control points may be renumbered or shifted by the United States Coast Guard. In such cases the fishing limits do not change and the location of the control point remains fixed at the geographic position given.

(e) *Baltimore District*—(1) *West side of Chesapeake Bay north from Cove Point to Middle River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point	38 23 09.8	76 22 33.8
Following line of 30-foot depth.		
S "1B"	38 26 33.6	76 26 00.0
S "2B"		
S "3B"	38 31 07.8	76 28 58.8
S "4B"		
S "5B"	38 35 43.2	76 28 43.2
S "6B"	38 38 39.0	76 29 12.0
S "7B"	38 41 24.0	76 30 06.0
C 25	38 43 34.8	76 29 57.6
S "8B"	38 45 12.0	76 30 00.0
No limit line.		
S "9B"	38 46 09.0	76 30 00.0
S "10B"		
C 27	38 49 56.4	76 27 45.6
C 29	38 51 47.4	76 27 29.4
No limit line.		
S "11B"	38 52 51.0	76 26 33.0
C 31	38 53 39.0	76 25 53.4

Following line of 25-foot depth to point 1,700 yards northerly of Sandy Point Light. (No limit line for a distance of 200 feet on either side of approach channel to Severn River.)
No limit line.
Baltimore Light.
Thence to and along line 200 feet westerly of and parallel to westerly edge of main channel to Baltimore Harbor between (Qk Fl W) "5C" and Bell (Qk Fl W) "3B".
No limit line.
Point bearing 329°45′ true, 1,000 yards, from (Qk Fl R) "14K".

	Latitude	Longitude
	° ′ ″	° ′ ″
S "19B"		
S "21B"	39 14 16.7	76 19 33.8

Thence northeasterly on line parallel to northwestern boundary of fishing area east of mouth of Patapsco River (described in subparagraph (e) (3)) to point on line ranging from S "2A" to (Fl W) "1".

	Latitude	Longitude
	° ′ ″	° ′ ″
(Fl ″) "1"	39 16 15.6	76 20 02.4

(2) *Fishing area southeast of mouth of Patapsco River.*

Point 200 feet east of easterly edge of main channel to Baltimore Harbor bearing 270° true from S "12B".
Thence to and along line 200 feet easterly of and parallel to easterly edge of main channel to Baltimore Harbor between N "8C" and N "12K."

	Latitude	Longitude
	° ′ ″	° ′ ″
Point 40 yards northeast of N "12K"	39 10 22.2	76 25 41.4
S "16B"		
S "15B"	39 08 48.0	76 21 36.0
S "14B"	39 08 12.0	76 21 00.0
S "13B"	39 05 24.0	76 21 24.0
S "12B"	39 04 39.0	76 22 24.0
Thence to point of beginning.		

(3) *Fishing area east of mouth of Patapsco River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
(Qk Fl R) "14K"	39 10 44.0	76 26 00.0
S "18B"		
S "20B"	39 13 30.0	76 20 00.0
S "2A"	39 14 45.0	76 17 49.2
S "22B"	39 16 12.0	76 14 30.0
S "25B"	39 14 48.0	76 14 54.0
S "26B"	39 12 45.0	76 15 48.0
C 5	39 10 40.8	76 18 35.4
S "17B"		
Thence to point of beginning.		

(4) *Upper Chesapeake Bay within Harford and Cecil Counties.* (i) Within Harford and Cecil Counties no fishing structures shall be placed more than 800 yards from shore or in water exceeding 18 feet in depth.

(ii) No fishing structures shall be placed within 1,000 yards of Pooles Island.

(iii) North of Rocky Point no fishing structures shall be placed within 200 feet of the buoyed channel to and in Northeast River.

(5) *East side of Chesapeake Bay south from Howell Point to lower end of Tangier Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Howell Point Light	39 22 16.8	76 06 40.9
N "6P"	39 20 23.2	76 10 45.6
Bell (Fl R) "4W"	39 19 46.2	76 11 33.0
N "2F"	39 17 17.4	76 12 47.4
S "23B"	39 16 24.0	76 13 24.0
S "24B"	39 14 54.0	76 13 57.0
Following line of 20-foot depth.		
Bell (Fl R) "6"	39 11 00.0	76 16 47.4
Bell (Fl R) "4"	39 09 37.2	76 18 11.4
Bell "2"	39 07 37.2	76 18 57.6
S "27B"	39 05 00.0	76 16 18.0
No limit line.		

Point on line of 25-foot depth in vicinity of Bell "2" northeast of Love Point Light.
Following line of 25-foot depth.

	Latitude	Longitude
	° ′ ″	° ′ ″
N "20C"	38 56 07.6	76 22 54.0
Bloody Point Bar Light	38 50 00.7	76 23 31.2
No limit line.		

Point on line of 30-foot depth 4,500 yards northerly of N 20.
Following line of 30-foot depth.

	Latitude	Longitude
	° ′ ″	° ′ ″
N 20	38 45 27.0	76 25 07.8
S "28B"	38 41 36.0	76 24 12.0
Bell (Fl W) "7"	38 38 25.8	76 20 25.2
Following line of 21-foot depth.		
S 11	38 39 25.2	76 18 05.4
No limit line.		

Following line of 21-foot depth from Point "A" 1,550 yards northeast of S 11 to Point "B" 1,750 yards east of Point "A".
No limit line.
Following line of 21-foot depth from Point "C" 1,350 yards east of Point "B" to Point "D" southwest of Benoni Point.
No limit line.
Point on intersection of line ranging from S 11 to S 6 with line ranging from Bell (Fl R) "10" to Bell (Fl W) "7."

	Latitude	Longitude
	° ′ ″	° ′ ″
S 6	38 36 35.4	76 20 13.8
S 1	38 33 55.2	76 20 28.8
No limit line.		

Point on line of 30-foot depths approximately 3,400 yards west of S 1.
Following line of 30-foot depth to its intersection with southerly Red Sector line approximately 4,000 yards west by south of Bell (Fl W) "1".
Following southerly Red Sector line to its intersection with line of 18-foot depth in vicinity of Bell (Fl W) "1".
Following line of 18-foot depth to point 5,300 yards east by north of Bell (Fl W) "1".
No limit line.
Point on line of 18-foot depth 800 yards southwest of N 2.
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.
No limit line.
Point on intersection of line ranging from Holland Island Bar Light to N 12 with southerly Red Sector line approximately 3,100 yards south from Holland Island Bar Light.

	Latitude			Longitude		
	°	′	″	°	′	″
N 2	37	47	03.6	76	05	42.0
S "31B"	37	44	24.0	76	02	42.0
Tangier Sound Light	37	47	16.6	75	58	26.7

(6) *Fishing area in vicinity of Sharps Island.*

Point on line of 30-foot depth due west of S 3.
Following line of 30-foot depth.

	Latitude			Longitude		
	°	′	″	°	′	″
S "29B"	38	40	06.0	76	23	08.4
S	38	38	06.0	76	20	45.6
C 5	38	36	38.4	76	21	04.2
S 3	38	35	03.6	76	23	03.6
Thence due west to point of beginning.						

(7) *Pocomoke Sound.*

	Latitude			Longitude		
	°	′	″	°	′	″
White S "C"	37	54	45.0	75	48	03.6
C 9	37	56	08.4	75	44	32.4
White S "E"	37	57	00.0	75	43	33.0
Pocomoke Channel Light "1"	37	57	22.4	75	42	48.6
No limit line.						
Pocomoke Channel Day Marker "2"	37	57	20.0	75	42	46.9
North End Point Light	37	56	18.5	75	43	42.5
Startling Creek Light "1"	37	55	27.0	75	44	07.8
S "30B"	37	54	30.0	75	46	15.0
(Fl W) "6"	37	52	21.6	75	49	07.2

(f) *Washington District—(1) West side of Chesapeake Bay north from Wolf Trap Light to Smith Point Light.*

	Latitude			Longitude		
	°	′	″	°	′	″
C 13	37	23	29.6	76	10	27.9
S "1BW"						
S "1AW"						
S "1W"						
S "2W"						
S "3W"	37	32	15.8	76	11	30.4
S "4W"	37	33	34.8	76	13	25.0
S "4AW"						
C 3	37	31	46.9	76	18	20.0
No limit line.						
Unmarked point	37	32	05.1	76	18	32.5
S "5W"						
S "5AW"						
S "6W"	37	33	54.9	76	13	31.5
S "6AW"						
Unmarked point	37	35	26.2	76	21	20.6
No limit line.						
N 2	37	36	06.8	76	21	20.6
S "7W"						
Unmarked point	37	34	49.6	76	14	51.1
Unmarked point	37	37	19.0	76	11	37.5
S "10AW"						
S "11W"	37	40	46.7	76	11	29.9
S "11AW"						
Unmarked point	37	40	23.3	76	15	56.6
C 3	37	39	19.7	76	18	00.6
Following line of 18-foot depth.						
Unmarked point	37	38	45.4	76	18	59.1
No limit line.						
Unmarked point	37	38	51.0	76	19	04.8
Following line of 18-foot depth.						
Unmarked point	37	39	13.9	76	19	04.5
No limit line.						

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked point	37	39	19.8	76	19	01.5
Following line of 18-foot depth.						
Unmarked point	37	40	07.2	76	18	16.0
No limit line.						
Unmarked point	37	40	16.6	76	18	06.8
Following line of 18-foot depth.						
Unmarked point	37	40	51.1	76	16	22.1
(Fl W) "1"	37	42	43.3	76	16	56.1
No limit line.						
Unmarked point	37	42	45.4	76	16	37.2
Unmarked point	37	40	52.4	76	16	02.6
S "12AW"						
S "12W"	37	41	16.5	76	11	28.7
S "12DW"						
S "12BW"	37	46	58.2	76	12	13.0
S 3	37	47	45.8	76	15	27.4
No limit line.						
Great Wicomico River Light	37	48	15.0	76	16	04.6
S "12CW"	37	48	24.7	76	12	03.0
S "13W"	37	50	51.3	76	11	06.2
Smith Point Light	37	52	47.1	76	11	02.8

(2) *Fishing area east of mouth of Rappahannock River.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "8W"	37	34	45.7	76	14	30.1
S "8AW"						
S "10W"	37	36	58.3	76	11	38.7
S "9W"	37	34	12.8	76	11	44.9
Thence to S "8W".						

(3) *Rappahannock River in vicinity of Tappahannock.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked point	37	49	28.7	76	43	56.5
C 9	37	51	17.9	76	45	26.6
S "7CW"	37	51	56.8	76	46	05.3
Unmarked point	37	53	27.5	76	46	51.6
C 11	37	53	40.3	76	47	05.1
C 13	37	55	03.3	76	49	20.6
Unmarked point	37	55	50.3	76	51	08.9
Unmarked point	37	56	16.3	76	51	35.0
Unmarked point	37	57	46.9	76	51	42.0
Unmarked point	37	58	29.1	76	52	01.5
No limit line.						
Unmarked point	37	58	30.6	76	51	54.0
Unmarked point	37	57	46.1	76	51	33.8
Unmarked point	37	56	19.3	76	51	26.9
S "7FW"	37	55	52.8	76	50	57.2
S "7EW"	37	55	09.6	76	49	18.0
S "7DW"	37	53	37.9	76	46	48.4
S "7BW"	37	51	59.7	76	45	58.4
S "7AW"	37	51	24.3	76	45	22.8
Unmarked point	37	49	31.6	76	43	48.8

(4) *Potomac River.*

	Latitude			Longitude		
	°	′	″	°	′	″
Smith Point Light	37	52	47.1	76	11	02.8
C 1	37	54	09.7	76	11	49.3
S "14W"						
S "14AW"						
S "15W"						
S "16W"						
S "16AW"						
S "17W"						
Unmarked point	38	01	35.6	76	24	51.2
Unmarked point	38	00	05.9	76	27	02.8
Unmarked point	37	59	33.5	76	26	51.5
No limit line.						
Beacon (Fl R)	37	59	37.0	76	27	11.3
Unmarked point	38	00	00.0	76	27	19.2
Unmarked point	38	00	16.8	76	27	18.7
Unmarked point	38	01	45.2	76	25	08.7
Unmarked point	38	03	04.8	76	27	27.8
Unmarked point	38	02	06.8	76	29	55.3
Beacon (Fl)	38	01	51.0	76	32	12.7
No limit line.						
Unmarked point	38	02	10.2	76	32	15.1
Beacon (Fl)	38	02	25.7	76	30	02.8
S "18W"	38	03	17.8	76	27	50.2
S "18AW"						
(Fl) "5A"	38	07	05.9	76	33	19.7
S "19W"	38	09	27.8	76	35	51.1
S "19AW"						
S "19BW"	38	11	05.9	76	44	33.5
No limit line.						
N "4A"	38	12	05.0	76	44	36.1
Unmarked point	38	12	12.3	76	43	40.0

	Latitude			Longitude		
	°	′	″	°	′	″
C "1"	38	12	34.8	76	43	43.5
No limit line.						
Unmarked point	38	12	37.5	76	43	24.0
Unmarked point	38	12	14.8	76	43	20.6
Unmarked point	38	12	23.6	76	42	11.2
N	38	12	38.2	76	42	12.9
No limit line.						
Unmarked point	38	13	23.8	76	41	43.9
Unmarked point	38	12	29.5	76	41	35.2
S "19CW"	38	12	16.4	76	40	00.0
S "19DW"	38	11	26.9	76	35	49.0
S "19EW"						
Unmarked point	38	08	26.7	76	32	58.9
Unmarked point	38	06	32.4	76	30	18.6
Unmarked point	38	04	31.6	76	26	01.9
Unmarked point	38	06	03.2	76	26	32.5
Unmarked point	38	06	46.6	76	27	37.5
No limit line.						
Unmarked point	38	07	06.2	76	27	31.2
Unmarked point	38	06	33.0	76	26	41.8
Unmarked point	38	07	56.2	76	27	09.2
No limit line.						
Unmarked point	38	08	03.5	76	26	40.6
Unmarked point	38	04	15.1	76	25	25.0
Unmarked point	38	03	50.7	76	24	33.1
Unmarked point	38	05	27.2	76	24	43.0
No limit line.						
N "2GP"	38	05	27.1	76	24	21.0
Unmarked point	38	03	39.5	76	24	09.7
Bell "2"	38	01	25.9	76	19	23.4
S "20W"	38	02	19.7	76	17	26.2

(5) *West side of Chesapeake Bay north from Point Lookout to Cove Point.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "20W"	38	02	19.7	76	17	26.2
Point No Point Light	38	07	40.6	76	17	26.3
Unmarked point	38	17	49.4	76	22	00.0
Following line of 30-foot depth.						
Unmarked point	38	18	59.0	76	22	22.1
(Fl W) "3"	38	19	03.8	76	23	56.0
No limit line.						
Drum Point Light	38	19	09.2	76	25	16.3
S "21W"	38	20	48.7	76	21	51.1
Following line of 30-foot depth.						
Unmarked point	38	23	09.8	76	22	33.8

(6) *Fishing area at mouth of Patuxent River.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked point	38	19	30.2	76	22	43.8
Following line of 30-foot depth.						
Unmarked point	38	19	48.2	76	23	18.7
Unmarked point	38	20	31.6	76	21	48.8
Following line of 30-foot depth.						
Unmarked point	38	19	56.9	76	21	47.4
Thence to point of beginning.						

(g) *Norfolk District—(1) South side of Chesapeake Bay between Cape Henry and Hampton Roads.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked point 10	36	55	31.3	76	02	44.8
S "39N"	36	55	49.9	76	03	06.2
S "38N"						
S "37N"	36	55	30.1	76	04	35.3
Unmarked Point 9	36	54	51.1	76	04	21.9
No limit line.						
Unmarked Point 8	36	54	51.1	76	06	46.7
S "36N"	36	55	52.9	76	06	07.9
S "35N"						
S "34N"	36	57	00.5	76	06	07.9
S "33N"						
S "32N"						
S "30N"	36	57	31.1	76	08	08.9
S "31N"						
Unmarked Point 7	36	55	30.4	76	08	41.5
No limit line.						
Unmarked Point 6	36	55	49.6	76	11	03.7
S "29N"	36	58	05.9	76	10	27.0
S "28N"						
S "27N"	36	59	09.4	76	14	39.8
S "26N"						
S "25N"	36	59	02.5	76	18	11.0
S "24N"	36	58	08.4	76	18	15.0
Willoughby Light	36	57	49.7	76	17	53.9

(2) *James River and Hampton Roads*—(i) *South side of river from Craney Island Light to Jamestown Island.*

	Latitude			Longitude		
	°	′	″	°	′	″
Craney Island Light	36	53	32.2	76	20	18.6
S "8N"	36	54	06.2	76	20	24.9
S "7N"						
S "6N"	36	56	08.4	76	23	20.3
S "5N"						
Nansemond River Light. No limit line.	36	54	52.3	76	26	40.2
S "4N"	36	55	03.0	76	26	46.5
S "3N"	36	56	06.1	76	24	41.8
S "2N"						
C 1	36	57	53.5	76	26	42.0
C 3	36	59	06.9	76	27	56.1
Unmarked Point 1	36	59	30.0	76	28	58.0
Unmarked Point 20	36	59	49.0	76	29	22.5
Unmarked Point 22	37	00	36.6	76	31	02.9
Unmarked Point 23	37	00	43.7	76	32	36.3
Unmarked Point 25. No limit line.	37	00	40.3	76	33	52.0
Unmarked Point 26	37	00	45.0	76	33	52.4
Unmarked Point 24	37	00	48.6	76	32	36.7
Unmarked Point 27	37	00	49.4	76	31	30.0
C 3	37	01	59.5	76	33	58.0
C 1	37	02	46.5	76	36	12.5
Unmarked Point 37	37	02	58.0	76	37	04.5
Unmarked Point 39	37	02	57.0	76	38	47.0
Unmarked Point 41	37	03	14.5	76	39	21.0
Unmarked Point 43	37	03	51.0	76	39	37.5
Unmarked Point 45	37	05	13.5	76	38	49.8
C 7	37	05	51.5	76	38	51.5
C 25	37	09	12.7	76	38	35.8
Unmarked Point 61	37	11	17.0	76	39	45.0
Unmarked Point 63	37	12	21.5	76	41	27.0
Unmarked Point 65	37	11	50.6	76	43	00.5
Unmarked Point 67	37	10	27.6	76	44	55.0

(ii) *North side of river from Jamestown Island to Newport News.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 69	37	11	14.0	76	45	25.0
Unmarked Point 68	37	10	54.4	76	44	30.6
Unmarked Point 66	37	11	56.6	76	43	05.2
Unmarked Point 60	37	12	55.9	75	40	51.7
Unmarked Point 58	37	12	48.2	76	39	39.6
Unmarked Point 56	37	12	30.6	76	39	11.1
Unmarked Point 54	37	12	00.0	76	38	32.5
Unmarked Point 52	37	11	32.2	76	38	05.2
Unmarked Point 50	37	10	31.6	76	37	45.2
Deep Water Shoals Light	37	08	55.4	76	38	13.7
Unmarked Point 48	37	07	12.2	76	38	14.1
Unmarked Point 36	37	03	21.8	76	35	30.5
N "12"	37	03	12.0	76	34	45.0
(Fl R) "10"	37	03	15.0	76	33	35.5
N 8	37	01	44.0	76	31	12.5
Bell (Fl R) "6"	37	01	13.5	76	30	17.0
Unmarked Point 4	37	00	19.5	76	27	57.7
Unmarked Point 5	36	59	34.5	76	26	54.5

(iii) *Fishing area northeast of Naseway Shoal.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "1N"	36	59	20.8	76	27	36.2
Unmarked Point 2	36	59	37.0	76	28	54.5
Unmarked Point 21	37	00	28.5	76	29	56.0
Unmarked Point 3	37	00	00.5	76	28	22.0
Thence to S "1N".						

(iv) *White Shoal fishing area.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 28	37	00	46.0	76	29	54.3
Unmarked Point 29	37	00	46.5	76	30	28.0
Unmarked Point 30	37	01	16.7	76	31	37.1
Unmarked Point 31	37	02	40.8	76	34	38.7
Unmarked Point 32	37	03	02.0	76	34	18.0
Unmarked Point 33	37	02	51.0	76	33	29.5
Unmarked Point 34	37	01	33.0	76	31	23.0
Thence to Unmarked Point 28.						

(v) *Point of Shoals fishing area.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 38	37	02	58.5	76	35	53.0
Unmarked Point 40	37	03	03.9	76	36	56.9
N 4	37	03	03.0	76	38	30.0
N 6	37	03	13.5	76	39	01.0
Unmarked Point 42	37	03	59.0	76	39	21.6
Unmarked Point 44	37	05	23.0	76	38	33.0
Unmarked Point 46	37	06	40.0	76	38	27.5
Unmarked Point 47	37	07	02.5	76	38	17.9
Unmarked Point 35	37	03	21.9	76	35	40.5
Thence to Unmarked Point 38.						

(vi) *Fishing area northeast of Hog Island.*

	Latitude			Longitude		
	°	′	″	°	′	″
N	37	10	00.2	76	38	17.0
Bell "2"	37	11	26.0	76	39	34.0
Unmarked Point 62	37	11	57.5	76	40	13.0
Unmarked Point 64	37	12	18.0	76	40	56.5
Unmarked Point 59	37	12	44.5	76	40	19.8
Unmarked Point 57	37	12	40.7	76	39	43.9
Unmarked Point 55	37	12	24.5	76	39	17.8
Unmarked Point 53	37	11	54.4	76	38	39.6
Unmarked Point 51	37	11	27.9	76	38	13.1
Unmarked Point 49	37	10	55.9	76	38	02.3
Thence to N.						

(vii) *Approach channel to Chickahominy River.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "165N"	37	13	21.9	76	48	20.9
S "167N"						
S "169N"	37	14	07.0	76	50	21.4
S "171N"	37	14	03.3	76	51	41.5
S "173N"	37	14	10.7	76	52	28.0
No limit line.						
S "174N"	37	14	15.0	76	52	17.0
S "172N"	37	14	09.3	76	51	41.0
S "170N"	37	14	13.0	76	50	20.0
S "168N"						
S "166N"	37	13	25.0	76	48	11.7

(viii) *Prohibited area in vicinity of Jordan Point.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 70	37	18	15.7	77	12	19.3
Unmarked Point 71	37	18	18.0	77	12	17.0
Unmarked Point 72	37	18	56.8	77	13	18.1
Following line of 25-foot depth.						
Unmarked Point 73	37	18	19.5	77	14	54.2
Unmarked Point 74	37	17	47.2	77	14	46.8

(ix) *Fishing area north of Craney Island Flats.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "10N"	36	55	15.6	76	21	45.6
S "9N"	36	56	09.6	76	23	03.4
S "12N"	36	56	17.3	76	22	08.9
S "11N"	36	55	41.6	76	21	17.6
Thence to S "10N".						

(x) *Middle Ground fishing area.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "14N"	36	56	27.5	76	23	25.8
S "13N"	36	56	59.1	76	24	08.0
S "16N"	36	57	02.1	76	24	03.9
S "15N"	36	56	42.4	76	23	03.1
Thence to S "14N".						

(xi) *Newport News to Old Point Comfort.*

	Latitude			Longitude		
	°	′	″	°	′	″
Unmarked Point 11	36	58	07.0	76	24	29.9
Bell (Fl R) "2"	36	57	36.5	76	24	33.5
S "20N"	36	57	51.2	76	22	31.5
S "19N"						
S "18N"	37	00	11.5	76	20	31.4
Unmarked Point 12. No limit line.	37	00	47.4	76	20	31.0
Unmarked Point 13	37	00	51.9	76	20	16.3
Hampton Creek Light	37	00	28.7	76	20	16.6
Unmarked Point 14	37	00	13.5	76	19	00.0

(xii) *Hampton Bar fishing area.*

	Latitude			Longitude		
	°	′	″	°	′	″
S "22N"	36	58	07.6	76	22	02.5
S "21N"						
S "17N"	37	00	11.3	76	20	16.6
S "23N"	36	59	56.1	76	18	49.1
N 14	36	59	45.3	76	19	25.4
N 16	36	59	16.1	76	20	21.6
N 18	36	58	46.2	76	21	06.2
Thence to S "22N".						

(3) *West side of Chesapeake Bay north from Old Point Comfort to Wolf Trap Light.*

	Latitude			Longitude		
	°	′	″	°	′	″
Old Point Comfort Light	37	00	05.8	76	18	24.5
Unmarked Point 15	37	00	28.0	76	16	28.4
S "40N"						
S "41N"						
S "42N"						
S "43N"						
Gong (Fl W) "1"	37	05	33.9	76	14	57.0
Unmarked Point 17. No limit line.	37	05	50.0	76	15	52.0
Unmarked Point 18	37	06	14.3	76	15	48.7
S "54N"	37	05	58.2	76	14	53.6
S "55N"						
S "56N"						
S "57N"						
S "58N"						
S "59N"	37	12	29.0	76	17	29.9
S "60N"	37	13	24.8	76	19	17.5
S "61N"	37	12	20.2	76	20	37.7
S "62N"	37	10	36.1	76	22	16.1
No limit line.						
S "76N"	37	10	43.3	76	22	27.9
S "77N"	37	12	28.0	76	20	48.9
S "78N"	37	13	31.3	76	19	30.3
S "79N"	37	13	57.9	76	21	10.4
No limit line.						
N "2B"	37	14	59.2	76	22	39.7
S "80N"						
S "81N"	37	14	03.9	76	19	11.2
Bell (Fl W) "2"	37	13	06.0	76	17	19.8
S "90N"	37	14	28.0	76	15	39.2
S "91N"						
S "92N"						
S "93N"						
S "94N"	37	17	49.9	76	19	12.6
S "95N"						
S "96N"	37	20	22.7	76	22	14.8
S "97N"	37	19	54.2	76	22	53.0
No limit line.						
S "98N"	37	19	55.9	76	23	17.9
S "99N"	37	20	29.4	76	22	33.0
S "100N"	37	21	22.5	76	24	56.4
No limit line.						
S "101N"	37	22	27.0	76	23	38.4
S "102N"	37	21	21.0	76	22	00.0
Pultz Bar Light	37	21	12.7	76	21	08.5
(Fl)	37	22	13.2	76	20	41.1
No limit line.						
Unmarked Point 19	37	22	05.8	76	20	21.3
N 2	37	21	32.5	76	20	40.3
Bell "6"	37	19	56.2	76	20	41.7
S "103N"						
S "104N"	37	18	05.3	76	18	49.9
S "105N"						
S "106N"						
S "107N"						
S "108N"	37	14	45.0	76	15	18.3
S "109N"						
S "110N"						
S "111N"						
C "9A"	37	17	50.2	76	11	30.7
S "112N"						
S "113N"						
C 11						
C 13	37	23	29.6	76	10	27.9

(4) *Fishing area northeast of Hampton Roads.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 16	37 00 31.1	76 16 12.7
S "44N"		
S "45N"		
S "46N"		
S "47N"		
S "48N"	37 05 29.8	76 14 42.9
S "49N"		
S "50N"	37 04 40.0	76 11 53.3
S "51N"		
S "52N"	37 02 21.8	76 12 24.4
S "53N"		
Thimble Shoal Light	37 00 51.8	76 14 24.1
Thence to Unmarked Point 16.		

(5) *Fishing area east of mouth of Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "65N"	37 05 53.0	76 14 36.0
S "66N"		
S "67N"		
S "68N"		
S "69N"		
S "70N"	37 12 18.9	76 17 10.3
C	37 11 54.1	76 16 22.6
S "71N"		
S "72N"		
S "73N"		
S "74N"	37 07 48.8	76 12 05.7
S "75N"		
S "63N"	37 05 03.7	76 11 47.9
S "64N"		
Thence to S "65N".		

(6) *Fishing area southeast of mouth of York River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Bell (I Qk Fl W)	37 08 50.6	76 12 12.3
S "86N"		
S "87N"		
S "88N"	37 12 21.1	76 15 52.7
S "89N"	37 12 52.9	76 16 54.2
S "82N"	37 14 09.8	76 15 19.9
S "83N"		
S "84N"	37 11 28.0	76 12 29.3
S "85N"		
Thence to Bell (I Qk Fl W).		

(7) *Fishing area east of mouth of York River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "114N"	37 12 09.0	76 12 33.7
S "115N"		
S "116N"	37 14 26.8	76 14 59.0
S "117N"		
S "118N"		
S "119N"		
S "120N"	37 17 10.3	76 11 38.0
S "121N"		
S "122N"		
Thence to S "114N."		

(8) *East side of Chesapeake Bay south from Onancock Creek to Cape Charles.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "164N"	37 43 24.0	75 51 42.0
S "163N"		
S "162N"	37 43 40.8	75 54 57.0
S "161N"		
S "160N"		
S "159N"		
S "158N"	37 38 23.2	75 57 12.1
S "157N"	37 38 23.4	75 56 30.0
No limit line.		
S "156N"		
S "155N"	37 37 36.0	75 56 00.0
S "154N"	37 37 23.9	75 57 37.3
S "153N"		
S "152N"	37 32 55.2	75 59 31.2
S "151N"	37 32 55.2	75 58 05.4
No limit line.		
S "150N"	37 32 10.2	75 58 24.0
S "149N"	37 31 39.6	75 59 54.6
S "148N"		
S "147N"	37 28 30.7	76 00 40.6
S "146N"	37 28 15.0	75 59 06.0
No limit line.		
S "145N"	37 27 40.2	75 59 19.8
S "144N"	37 27 26.4	76 00 56.3
S "143N"		
S "142N"		
S "141N"	37 24 11.3	76 01 43.7
S "140N"	37 23 58.8	76 00 05.4
No limit line.		
S "139N"	37 23 07.2	76 00 21.6
S "138N"	37 23 05.5	76 01 59.7
S "137N"		
S "136N"		
S "135N"		
S "134N"		
S "133N"		
S "132N"	37 15 04.2	76 03 56.4
S "131N"	37 14 02.4	76 03 20.4
S "130N"	37 14 27.1	76 02 35.7
No limit line.		
S "129N"	37 14 07.4	76 02 06.0
S "128N"	37 13 35.1	76 03 04.6
S "127N"		
S "126N"		
S "125N"		
S "124N"		
S "123N"	37 07 03.6	75 59 17.4

[Regs. Aug. 19, 1948, CE 800.217 (Chesapeake Bay)—ENGWR] (30 Stat. 1151; 33 U. S. C. 403)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8251; Filed, Sept. 14, 1948; 9:03 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION; DISALLOWANCE AND AWARDS

APPLICATION FOR INCREASE BASED UPON CHANGED PHYSICAL CONDITION

1. In § 3.1216, paragraphs (b) and (c) are amended to read as follows:

§ 3.1216 *Application for increase based upon changed physical condition.* * * *

(b) *Statement by private physician.* A statement by a private physician showing increased disability submitted by or on behalf of a veteran for the purpose of obtaining increased benefits may be accepted as an informal claim and payments awarded from the date of receipt of the evidence, if otherwise in order: *Provided,* That the findings contained therein are subsequently verified by an official Veterans' Administration examination.

(c) *Physical examination reports, clinical records and transcripts of records received from State, county, municipal and recognized private institutions and contract hospitals.* Generally, physical examination reports, clinical records and transcripts of records from State, county, municipal and recognized private institutions and contract hospitals relative to veterans undergoing treatment or domiciled therein, whether by the Veterans' Administration or otherwise, will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans' Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition, and they must be certified by chief medical officers or their physician designates. As to private institutions, the hospitals listed in the hospital number of "The Journal" of The American Medical Association (usually published in April of each year) and followed by the symbol consisting of a shaded triangle are recognized. This symbol indicates that the hospital has been approved by The American College of Surgeons as meeting unconditionally its minimum requirements for general standardization. If the name of the private hospital at which the veteran was examined or treated does not appear on the approved list, the chief medical officer or his physician designate will be requested to advise whether the hospital meets the minimum requirements for the care and treatment of Veterans' Administration patients and for hospital facilities as prescribed in current directives of the Department of Medicine and Surgery. Depending upon the advice of the chief medical officer or his physician designate, the report will be accepted or corroborative examination by the Veterans' Administration requested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans' Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits.

(Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

[SEAL] O. W. CLARK,
Executive Administrator of Veterans' Affairs.

[F. R. Doc. 48-8263; Filed, Sept. 14, 1948; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 71.503, 71.504, 71.508, 71.511 and 71.513 see Title 19, Chapter I, Part 6, *supra.*

PART 72—INTERSTATE QUARANTINE

MISCELLANEOUS AMENDMENTS

1. The following paragraph is added to § 72.1:

§ 72.1 *General definitions.* * * *

(r) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell,

and any fresh, frozen, or incompletely cooked edible products thereof.

2. The following section, § 72.24, is added to subpart C:

§ 72.24 *Shellfish.* A person shall not offer for transportation, or transport, in interstate traffic any shellfish handled or stored in such an insanitary manner, or grown in an area so contaminated, as to render such shellfish likely to become agents in, and their transportation likely to contribute to, the spread of communicable disease from one State or possession to another.

3. Paragraph (a) of § 72.164 is amended to read as follows:

§ 72.164 *Source of food and drink: identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors, or dealers from whom they have acquired or are acquiring their food supply including milk, milk products, frozen desserts, bottled water, sandwiches, box lunches, and shellfish.

4. Paragraph (f) of § 72.165 is amended to read as follows:

§ 72.165 *Milk, milk products, and shellfish.* * * *

(f) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.[2]

(Sec. 361, 58 Stat. 703; 42 U. S. C. 264)

The foregoing amendments, further implementing the provisions of section 361 of the Public Health Service Act, 58 Stat. 703; 42 U. S. C. 264, are issued principally for the purpose of preventing the spread of communicable disease from one State or possession to another insofar as the danger of such spread arises from the sanitary conditions under which shellfish are grown, handled, or stored. Notice of proposed rule-making in connection with these amendments was published in the FEDERAL REGISTER on August 4, 1948 (13 F. R. 4483), and the hearing referred to therein was held at the announced time and place.

Effective date. The foregoing amendments shall become effective thirty days after their publication in the FEDERAL REGISTER.

LEONARD A. SCHEELE,
Surgeon General.

Approved: September 9, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-8252; Filed, Sept. 14, 1948; 8:48 a. m.]

[2] The Public Health Service issues a list of such dealers periodically for the information of State health authorities and all others concerned.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

KLAMATH IRRIGATION PROJECT, PARTS 1 AND 2, TULE LAKE DIVISION, OREGON AND CALIFORNIA

CROSS REFERENCE: For public notice announcing availability of water for public lands and opening of public lands to entry, see F. R. Document 48-8239 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra.*

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

[Administrative Order 62]

PART 213—DELEGATIONS OF AUTHORITY

SUBPART B—SCHOOL ASSISTANCE PROGRAM, FISCAL YEAR 1949

SEPTEMBER 1, 1948.

Program authorized by Public Law 839, 80th Congress, for making contributions to certain classes of local school agencies during the fiscal year ending June 30, 1949, for operation and maintenance of school facilities.

Delegation by the Federal Works Administrator to the Commissioner of Community Facilities of responsibility for carrying out the provisions of Public Law 839, 80th Congress, approved June 29, 1948, authorizing the Federal Works Administrator to make, in the same manner as heretofore authorized, during the fiscal year ending June 30, 1949, contributions for the operation and maintenance of school facilities to local school agencies requiring assistance that (a) are still overburdened with school enrollments caused by war activities and the transition from war to peacetime conditions and have received during the fiscal year ending June 30, 1948, Federal contributions administered by the Federal Works Administrator for the operation and maintenance of their school facilities, or (b) have become overburdened with defense-incurred school enrollments as the result of the reactivation or expansion of any defense establishment or the operation of any new defense establishment.

By virtue of the authority vested in the Federal Works Administrator and pursuant to Public Law 839, 80th Congress, approved June 29, 1948, it is hereby ordered:

§ 213.11 *Delegation to Commissioner.* Except as otherwise expressly provided herein, all the functions of the Federal Works Administrator under Public Law 839, 80th Congress, approved June 29, 1948, including all responsibilities and authority vested in him thereunder, shall be administered, performed, and exercised by the Bureau of Community Facilities in conformity with said law, and the Commissioner of Community Facilities shall be responsible to the Federal Works Administrator for the performance of such functions. With the exception of such latter responsibility, the Commissioner of Community Facilities is authorized to assign, delegate, or redelegate any of the responsibilities, authority, or functions as hereinabove delegated to any officer or employee of the Bureau of Community Facilities, either in the departmental or in the field service.

(a) *Administrator's Books.* The Commissioner of Community Facilities shall from time to time submit to the Federal Works Administrator lists of projects, designated "Administrator's Books," describing generally the projects for which allotments for contributions for the operation and maintenance of school facilities have been requested under said law. Every Administrator's Book shall be accompanied by the recommendation of the Commissioner of Community Facilities and by appropriate supporting data. The approval by the Federal Works Administrator of any Administrator's Book, in whole or in part, shall constitute his approval under said law of the respective projects covered by such approval and his allotment of the amounts specified for such projects to the respective applicants.

(b) *Execution of agreements.* The Commissioner of Community Facilities is authorized to enter into agreements, including amendments and supplements thereto, with local school agencies for providing contributions for the operation and maintenance of their school facilities under said law, and is otherwise authorized to take all action necessary to effectuate the approval of and the allotments made by the Federal Works Administrator.

(c) *Issuance of operating procedures and instructions.* The Commissioner of Community Facilities is authorized to issue such operating procedures and instructions not in conflict with Federal law or this order as he may deem necessary to carry out his functions under this order.

(d) *Name of program.* This program shall be known as the "School Assistance Program, Fiscal Year 1949."

(e) *Delegation Additional to Existing Duties.* The authorities, duties, and responsibilities vested hereunder shall be in addition to those hereto vested in the Commissioner of Community Facilities.

(Pub. Law 839, 80th Cong.)

PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 48-8237; Filed, Sept. 14, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF GREEN SWEETPOTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 13C]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF GREEN SWEETPOTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 502.508 *Shipments of green sweetpotatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Item 535 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of green sweetpotatoes originating at any point in the States of Iowa, Maryland, North Carolina, South Carolina or Virginia when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised–13C shall become effective September 13, 1948, and shall expire November 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C. this 10th day of September 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48–8257; Filed, Sept. 14, 1948; 9:05 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Child Labor Branch

[29 CFR, Part 422]

EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS INVOLVED IN OPERATION OF POWER-DRIVEN COLD-METAL-WORKING MACHINES

NOTICE OF HEARING ON PROPOSED FINDING AND ORDER

Whereas, there is in effect a procedure governing determinations of what occupations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being (29 CFR, Part 421), for the purposes of section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C. 203 (l)); and,

Whereas, pursuant to said procedure, an investigation has been conducted for the purpose of ascertaining what occupations involved in the operation of power-driven cold-metal-working machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being; and,

Whereas, a report of the investigation, entitled Occupational Hazards to Young Workers, Report No. 8, The Operation of Cold-Metal-Working Machines, copies of which will be sent upon request directed to the Child Labor Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., has been submitted to the Secretary of Labor showing that certain occupations involved in the operation of power-driven cold-metal-working machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being; and,

Whereas, the Secretary of Labor, pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 and Reorganization Plan No. 2, effective July 16, 1946, adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), proposes to issue a finding and order in the form set forth below;

Now, therefore, notice is hereby given of a public hearing to be held on Tuesday, November 9, 1948, commencing at 10 o'clock a. m. in Room 3428, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington 25, D. C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All parties desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for hearing. Any interested party who is unable to appear in person or by representative may submit a written comment or brief to the Secretary of Labor not later than the day prior to the date of hearing, in order that the same may be made a part of the record of the hearing.

Proposed finding and order. By virtue of the authority conferred upon me by section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 1061; 29 U. S. C. 203 (l)) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), and pursuant to the procedure governing determinations of hazardous occupations (29 CFR, Part 421); an investigation having been conducted with respect to what occupations in the operation of power-driven cold-metal-working machines are hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being, and a report of said investigation having been submitted to me;

Now, therefore, I, Maurice J. Tobin, Secretary of Labor, after reviewing all the information and evidence with respect to the occupations involved, including the report of the investigation, do hereby find, declare, and order:

§ 422.8 *Occupations involving the operation of power-driven cold-metal-working machines*—(a) *Finding and declaration of fact.* The occupation of operator of or helper on the following power-driven cold-metal-working machines is particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) Machine tools of the types following:

(i) Milling-function machines of these types:

(*a*) Planer types milling machines;

(*b*) Gear-cutting machines;

(*c*) Metal-cutting circular saws.

(ii) Planing-function machines of these types:

(*a*) Planers;

(*b*) Metal-cutting band saws.

(iii) Turning-function machines of these types:

(*a*) Turret lathes;

(*b*) Automatic and semi-automatic lathes;

(*c*) Automatic screw machines.

(iv) Boring-function machines of these types:

(*a*) Vertical boring machines;

(*b*) Radial drills;

(*c*) Gang drills.

(v) Grinding-function machines of these types:

(*a*) Abrasive wheels that require the material being ground to be held manually against the abrasive wheel or the abrasive wheel held manually against the material, such as swing frame grinders, snag grinders, floor stands, tool grinders, drill and tap grinders, and portable grinders;

(*b*) Abrasive belts;

(*c*) Abrasive disks.

(2) All forming, punching, and shearing machines including the following:

(i) All rolling function machines, such as bending, straightening, corrugating, flanging, or beading rolls; and cold rolling mills.

(ii) All pressing or punching-function machines, such as punch presses, except those provided with full automatic feed and ejection and with complete enclosure of the ram; power presses; and plate punches.

(iii) All bending-function machines, such as apron brakes and press brakes.

(iv) All hammering-function machines, such as drop hammers and power hammers.

(v) All shearing-function machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(b) *Definitions.* As used in this section:

The term "operator" shall mean one who operates a cold-metal-working machine by performing such functions as setting up the machine, starting and stopping it, placing or fastening the work in the machines and removing the finished work from the machine, and performing other related functions in connection with its operations.

The term "helper" shall mean one who operates or assists in the operation of a cold-metal-working machine by helping place the work in or remove it from the machine.

The term "machine tools" shall mean power-driven complete metal-working machines, not portable by hand, having one or more tool or work-holding devices and used for progressively removing metal in the form of chips. Types of machine tools enumerated in this section are the machines to which the designation is by custom applied.

The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut cold metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) *Exemption for apprentices.* Nothing in paragraph (a) (1) of this section shall be construed to apply to apprentice machinists or apprentice toolmakers, provided that (1) the apprentice is employed in accordance with standards established by the Bureau of Apprenticeship of the U. S. Department of Labor or the standards of a State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under conditions which substantially conform to such standards as determined by such State or Federal apprenticeship agencies, and (2) not more than 25 percent of the apprentice's time in each succeeding six-month calendar period of his apprenticeship is spent operating machine tools herein declared particularly hazardous.

(d) *Higher standards.* This section shall not justify non-compliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(e) *Effective date.* This proposed order, when issued, will be made effective 60 days after due publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 10th day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8260; Filed, Sept. 14, 1948; 9:05 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR, Part 146]

[CGFR 48-46]

INSPECTION AND NAVIGATION REGULATIONS; MERCHANT MARINE COUNCIL REGULATIONS

NOTICE OF PROPOSED CHANGES IN REGULATIONS; PUBLIC HEARING

1. The Merchant Marine Council will hold a public hearing in Room 4120, Coast Guard Headquarters, 13th and E Streets, N. W., Washington, D. C. on September 28, 1948. The meeting will convene at 9:30 a. m. In addition to consideration of proposed amendments, notice of which was made in 13 F. R. 4638, August 11, 1948, the Council will upon petition of a manufacturer of burlap bags consider a proposal to amend 46 CFR, 146.21-11 in order that used burlap bags cleaned by a vacuum process may be carried on vessels in the same classes of stowage as is presently permitted for used burlap bags which have been cleaned by washing.

2. The authority for amendment of 46 CFR, 146.21-100 is contained in R. S. 4472, as amended, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 170; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

3. Comments on the proposed change may be submitted in writing for receipt prior to September 28th, 1948 by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or presented orally or in writing at the hearing.

Dated: September 8, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-8253; Filed, Sept. 14, 1948; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 801]

GENERAL SUGAR REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Director, Sugar Branch, Production and Marketing Administration, pursuant to § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590), is considering the issuance of a determination that the direct-consumption portion of the 1948 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed determination shall file the same in quadruplicate with the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than seven days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-8261; Filed, Sept. 14, 1948; 9:05 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice DA 140]

INTERIM OFFICE FOR GERMAN AFFAIRS

SCHEDULE OF FEES

SEPTEMBER 2, 1948.

Public Notice No. DA-121, effective August 10, 1948, established an Interim Office for German Affairs in the Division of Protective Services, Office of Controls, Department of State.

The Interim Office for German Affairs is authorized to prescribe from time to time such fees as may be deemed appropriate for any services rendered. The following schedule of fees is hereby established:

NATURE OF SERVICE	
Travel Document Service	
Execution of application for travel document and military-entry permit	$2.00
Issuance of travel document	10.00
Amendment or verification of a travel document	2.00
Renewal of travel document	5.00
Execution of affidavit in regard to German birth in connection with aplication for travel document	1.00
Notarial and Other Miscellaneous Services	
Administering an oath and certificate thereof	$2.00
Acknowledgment of a deed or power of attorney, or similar service, including one or more signatures, with certificate thereof, for each copy	2.00
Certifying to official character of a notary or other official	2.00

NATURE OF SERVICE—Continued	
Notarial and Other Miscellaneous Services—Continued	
For taking depositions, executing commissions or letters rogatory, where the record of testimony including caption and certificate does not exceed 500 words (excluding punctuation)	$2.00
For each additional 100 words or fraction thereof	.50
Certifying to the correctness of a copy of, or extract from, a document, official or private	2.00
Recording unofficial documents in Interim Office upon request (for every 100 words or fraction thereof)	1.00
Obtaining copy of German public document (exclusive of local charges of foreign officials and certification by United States Consul)	2.00

The fees received by the Interim Office for German Affairs shall be covered into the Treasury as miscellaneous receipts.

This notice shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: September 2, 1948.

For the Secretary of State.

[SEAL] JOHN F. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-8258; Filed, Sept. 14, 1948; 9:05 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 21]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE FUNCTIONS RELATING TO PROCUREMENT, APPOINTMENT, ADMINISTRATION, AND TRAINING OF AVIATION CADETS AND AVIATION STUDENTS

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, all functions, powers, and duties relating to procurement, appointment, administration, and training of aviation cadets and aviation students, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws, and Executive Orders, as limited by other laws, parts of laws, and Executive Orders, whether or not specifically set forth herein:

(a) Act of June 3, 1941, c. 165, sec. 1, 2, 3, 4 (55 Stat. 239, 240; 10 U. S. C. 297a, 296a, 299, 303, 304, 304b).

(b) Act of June 3, 1941, c. 167 (55 Stat. 241; 10 U. S. C. 298a-1).

(c) Act of April 3, 1939, c. 35, sec. 2 (53 Stat. 556), as amended by the act of July 3, 1941, c. 275 (55 Stat. 577; 10 U. S. C. 298a).

(d) Act of July 8, 1942, c. 493, sec. 5 (56 Stat. 649; 10 U. S. C. 299e).

(e) All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vested in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers, and duties relating to procurement, appointment, administration, and training of aviation cadets and aviation students insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective at 12:00 noon, September 4, 1948.

JAMES FORRESTAL,
Secretary of Defense.

SEPTEMBER 4, 1948.

[F. R. Doc. 48-8238; Filed, Sept. 14, 1948; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 47]

PARTS 1 AND 2, TULE LAKE DIVISION, KLAMATH IRRIGATION PROJECT, OREGON AND CALIFORNIA

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

AUGUST 27, 1948.

Public Notice No. 47 reads as follows:

LANDS COVERED

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1949 and thereafter for certain irrigable lands in Parts 1 and 2, Tule Lake Division, Klamath Project, as shown on approved farm unit plats on file in the office of the District Manager, Bureau of Reclamation, Klamath Falls, Oregon, and in the District Land Office at Sacramento, California.

Application may be made in accordance with this notice, beginning at 2:00 p. m., September 21, 1948, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

PUBLIC LAND

PART 1. TULE LAKE DIVISION

MOUNT DIABLO MERIDIAN, CALIFORNIA

Section	Farm unit	Description	Total irrigable acres
		Township 48 North, Range 5 East	
17	N	Lots 2, 3, and 8 of Section 17; NE¼NW¼, N½N½NW¼NE¼, N½NW¼NE¼NE¼, W½NW¼NE¼NE¼NE¼ of Section 20	135.7
20	P	S½N½NW¼NE¼, S½NW¼NE¼, S½NW¼NE¼NE¼, W½SW¼NE¼NE¼NE¼, SW¼NE¼NE¼, W½W½SE¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼, W½W½E½SE¼NE¼, N½NW¼SE¼, NW¼NE¼SE¼, W½W½NE¼NE¼SE¼ of Section 20	132.6
20	Q	S½NW¼, N½N½SW¼	109.8
20	R	S½N½SW¼, S½SW¼	108.1
20	S	SW¼SE¼, S½NW¼SE¼, SW¼NE¼SE¼, W½W½SE¼NE¼SE¼, W½SE¼SE¼, W½W½E½SE¼SE¼, of Section 20; E½NW¼NE¼, W½NE¼NE¼, W½W½E½NE¼NE¼ of Section 29	127.4
21	J	E½NE¼, NE¼SE¼ of Section 21; Lot 12 of Section 16	122.2
21	K	W½NE¼, NW¼SE¼ of Section 21; Lot 11 of Section 16	115.6
21	L	NE¼SW¼, E½NW¼ of Section 21; Lot 14 of Section 16	126.3
21	T	W½NW¼, N½N½N½NW¼SW¼ of Section 21; E½E½NE¼NE¼, E½W½E½NE¼NE¼, E½E½E½SE¼NE¼, E½W½E½E½SE¼NE¼, NE¼NW¼NE¼NE¼SE¼, N½NE¼NE¼NE¼SE¼ of Section 20; Lot 7 of Section 17; Lot 9 of Section 16	127.6
21	U	S½N½N½NW¼SW¼, S½N½NW¼SW¼, S½NW¼SW¼, SW¼SW¼ of Section 21; N½NW¼NW¼, N½S½NW¼NW¼, N½S½S½NW¼NW¼, of Section 28; SE¼NW¼NE¼, NE¼SE¼, S½NE¼NE¼NE¼SE¼, E½SW¼NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, E½W½SE¼NE¼SE¼, E½SE¼NE¼SE¼, E½W½E½SE¼SE¼, E½E½SE¼SE¼ of Section 20; E½W½NE¼NE¼NE¼, E½NE¼NE¼NE¼, E½NW¼SE¼NE¼NE¼, NE¼SE¼NE¼NE¼, NE¼SW¼SE¼NE¼NE¼, N½SE¼SE¼NE¼NE¼ of Section 29	124.5
22	L	Lots 3, 12, 13, 16 and NE¼SW¼ of Section 22; Lot 9 of Section 15	114.2
22	M	W½NW¼, NW¼SW¼ of Section 22; Lot 8 of Section 15	130.0
22	N	Lots 11, 14, 15 and 18 of Section 22; Lot 11 of Section 23	112.6
26	K	Lots 1, 2, and 3	91.8
26	N	Lots 9, 5, and 6	120.4
27	M	E½NE¼ of Section 27; Lot 10 of Section 26	120.5
27	P	W½NE¼ of Section 27; Lot 17 of Section 22	111.6
27	Q	E½NW¼ of Section 27; SE¼SW¼ of Section 22	105.6
27	R	W½NW¼ of Section 27; SW¼SW¼ of section 22	109.2
28	M	E½NE¼ of Section 28; SE¼SE¼ of Section 21	105.6
28	N	W½NE¼ of Section 28; SW¼SE¼ of Section 21	103.9
28	P	E½NW¼ of Section 28; SE¼SW¼ of Section 21	112.3
29	L	SE¼SW¼SE¼NE¼NE¼, S½SE¼SE¼NE¼NE¼, E½SW¼NE¼, SE¼NE¼ of Section 29; SW¼NW¼, S½S½S½NW¼NW¼ of Section 28	88.4

PART 2. TULE LAKE DIVISION

		Township 46 North, Range 5 East	
2	G	W½SW¼ of Section 2; Lot 23 of Section 3	84.9
3	E	Lots 28 and 29 of Section 3; Lots 16 and 25 of Section 4; Lots 6 and 15 of Section 9; Lots 17 and 18 of Section 10	118.4
4	A	Lots 17, 24, and 26 of Section 4; Lots 7, 14, and 16 of Section 9	119.4
4	C	Lots 13, 14, 21 and 22	97.3
10	A	Lot 14 of Section 10; Lot 25 of Section 3	87.6
13	B	Lots 10 and 15	78.3
13	C	Lots 11 and 14	80.0
13	D	Lot 20	76.3
13	E	Lots 7, 8, and 23	82.0
13	F	Lots 6, 16, 17, and NW¼SE¼ of Section 13; Lot 8 of Sec. 18, T. 46 N., R. 6 E	91.7
14	A	Lots 12, 13, 15, and 22	93.5
14	D	Lot 24 of Section 14; Lot 24 of Section 15; Lot 14 of Section 22; Lot 30 of Section 23	80.5
14	G	Lots 22 and 24 of Section 13; Lots 16, 17, 19, and 20 of Section 14	85.1
14	H	Lots 21, 25, 26, and 27 of Section 14; Lot 25 of Section 13; Lots 27, 28, and 29 of Section 23	104.4

PART 2. TULE LAKE DIVISION—Continued

MOUNT DIABLO MERIDIAN, CALIFORNIA—continued

Section	Farm unit	Description	Total irrigable acres
		Township 46 North, Range 5 East—Continued	
14	K	Lots 11 and 18 of Section 14; Lot 10 of Section 12; Lot 21 of Section 13	84.2
15	B	Lots 17, 20, and 21 of Section 15; Lot 7 of Section 16	103.0 87.1
16	A	Lots 9 and 11	
16	E	Lot 14 of Section 16; Lot 14 of Section 21	91.4
16	F	Lot 15 of Section 16; Lot 13 of Section 21	84.3
16	G	Lot 16 of Section 16; Lot 22 of Section 15; Lot 12 of Section 21; Lot 17 of Section 22	82.4 103.7
17	A	Lots 16, 18, 19, and 20	
17	B	Lots 21, 22, and 23 of Section 17; Lots 16 and 15 of Section 20	97.4
17	C	Lots 17, 15, and 14 of Section 17; Lot 12 of Section 16	90.0
17	D	Lot 24 of Section 17; Lot 13 of Section 16; Lot 14 of Section 20; Lot 15 of Section 21	88.5
20	H	Lots 17, 18, 19, and 20 of Section 20; Lot 16 of Section 21	103.8
20	J	Lot 21 of Section 20; Lot 25 of Section 21	87.3 85.0
21	A	Lots 19 and 20	100.4
21	B	Lots 17 and 18 of Section 21	85.1
21	L	Lot 24 and E½SW¼ of Section 21	88.1
21	M	W½SE¼ and Lot 23 of Section 21	
21	N	Lot 22 of Section 21; Lot 27 of Section 22	87.8
22	A	Lots 15 and 16 of Section 22; Lot 23 of Section 15	88.0 92.2
22	B	Lots 19, 20, 22, and 23	
22	C	Lot 18 of Section 22; Lot 21 of Section 21	83.1 89.9
22	E	Lots 25, 26, and 28	
22	F	Lots 12, 13, and 21 of Section 22; Lots 31 and 40 of Section 23	91.5 84.4
23	A	Lots 19, 24, 34, 35, 36, and 38	
23	C	Lots 18, 37, and SE¼NE¼ of Section 23	85.6 86.1
23	E	Lots 32, 33, and 39	85.3
24	A	Lots 10, 11, and 12	
24	B	Lots 7, 13 of Section 24; Lot 42 of Section 23; Lot 3 of Section 25, and Lot 4 of Section 26	91.9 86.2
27	B	Lots 12, 13, and 14	
28	A	Lots 15 and 16 of Section 28; Lot 15 of Section 27	85.8 86.6
28	B	Lots 13, 17, 18, and 24	88.0
28	C	Lots 19, 20, 25	
29	K	Lots 3 and 4 of Section 29; Lot 22 of Section 20; Lot 26 of Section 21; Lot 21 of Section 28	91.7
		Township 46 North, Range 6 East	
5	E	Lots 12 and 13 of Section 5; Lots 29 and 30 of Section 6	78.7 84.4
6	D	Lots 27, 28, 31, and 32 of Section 6	
6	F	Lots 33 and 34 of Section 6; Lot 14 of Section 5; Lots 5 and 14 of Section 7; Lot 2 of Section 8	83.4
6	H	Lots 14, 25, and 26 of Section 6; Lot 15 and E½SW¼SE¼ of Section 31, T. 47 N., R. 6 E	86.8
6	J	Lot 24 of Section 6; Lot 11 of Section 5; Lot 13 of Section 31, T. 47 N., R. 6 E; Lot 10 of Section 32, T. 47 N., R. 6 E	77.0
18	A	Lots 6, 7, 9, 10, and 11 of Section 18; Lot 9 of Section 13, T. 46 N., R. 5 E	90.7
		Township 47 North, Range 5 East	
33	B	Lots 23, 25 and 14 of Section 33; Lots 10 and 11 of Section 4, T. 46 N., R. 5 E	96.9
36	D	Lots 12 and 13 of Section 36; Lot 27 of Section 25	89.1
36	E	Lot 6 and W½NE¼ of Section 36; Lot 26 of Section 25	94.4
36	F	Lots 1, 2, and 7 of Section 36; Lots 23 and 24 of Section 25; Lot 17 of Section 35	88.7
		Township 47 North, Range 6 East	
31	A	Lots 2, 7, and SE¼NE¼ of Section 31; Lot 12 of Section 30; Lots 5 and 8 of Section 32	87.4
31	B	Lots 3, 6, and SW¼NE¼ of Section 31; Lot 13 of Section 30	100.4
31	C	Lots 4, 5, and SE¼NW¼ of Section 31; Lots 14 and 15 of Section 30	96.7
31	D	Lots 8, 9, and 10 of Section 31; Lot 16 of Section 30	86.7
31	E	W½SW¼SE¼, E½SW¼	84.1
31	F	Lot 14 and N½SE¼ of Section 31; Lot 9 of Section 32	84.9
31	G	Lots 11 and 12 of Section 31; Lot 14 of Section 36, T. 47 N., R. 5 E	71.9

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS OF VETERANS OF WORLD WAR II

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry, preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives or husbands or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans' preference are set forth in section 4 of this notice.

Therefore, applications for farm units on lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before December 20, 1948.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans' preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans' preference.* The classes of persons who are entitled to the veterans' preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or a discharge under honorable conditions;

(b) Transfer with honorable service from such service to a reserve or retired status prior to the termination of the war; or

(c) Ending of the period of war service by reason of the termination of the war, even though the veteran remains in the military or naval service of the United States.

SEC. 6. *Submission of proof of veterans' status.* All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified or authenticated complete copy (both sides) of an official document of the respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining Board.* An examining board of five members, including the District Operations Superintendent of the Klamath District, Bureau of Reclamation, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Klamath Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancelation of award or cancelation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifi-

cations which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(d) *Capital.* An applicant must possess at least $2,000, consisting of cash or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation.

An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Prior to the issuance of a certificate of qualification, and not later than at the time of the personal interview, the applicant will be required to corroborate his statement of net worth by the statement of an officer of a bank or other responsible and reputable credit agency or by other proof satisfactory to the board.

SEC. 9. *References.* (a) An applicant shall list in section 12 of the farm application blank the names, occupations, positions or titles and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agriculture Teacher; manager or agricultural representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references may be successful farmers who own and operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

(b) The applicant shall also be responsible for furnishing to at least three of the five persons listed in section 12 of the farm application blank the reference forms provided with this notice and for the return by these persons to the board of three complete, signed statements. At least one of these three statements must be prepared and signed by one of the agricultural leaders listed in subsection (a) of this section.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States;

(b) Must not have exhausted the right to make homestead entry on public lands;

(c) Must not own more than 160 acres of land in the United States;

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans' preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of the family. Any applicant who is required to be the head of a family must submit with the application evidence of such status which is satisfactory to the board. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

WHEN, WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 2511, Sacramento, California, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and supporting evidence.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, in person or by mail. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by:

(a) Proof of veteran's status if veteran's preference is claimed (see section 6 of this notice).

(b) Statement of examining physician, in case of disability (see subsection 8 (c) of this notice).

(c) Evidence of citizenship or of declared intention if applicant is not native-born (see subsection 11 (a) of this notice).

(d) Evidence of status as head of a family if applicant is a married woman or a non-veteran under the age of 21 (see subsection 11 (d) of this notice).

The applicant also must see that three of his references submit complete signed statements of his qualifications (see subsection 9 (b) of this notice).

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior

and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm his discharge papers will be attached to his certificate of eligibility (see section 22 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *First priority group.* All complete applications filed prior to 2:00 p. m., December 20, 1948, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(b) *Second priority group.* All complete applications filed prior to 2:00 p. m., December 20, 1948, from applicants without veterans' preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(c) *Final group.* All complete applications filed after 2:00 p. m., December 20, 1948, whether or not accompanied by proof of veterans' preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine first priority group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete; (b) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished; and (c) that the applicant's right to veteran's preference has been fully established. Any incomplete application or any application not accompanied by the required corroborating evidence will be rejected. Any applicant claiming veteran's preference but failing to establish proof of eligibility for such preference shall be placed in the second priority group.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, within 15 days of the applicant's receipt of such notice, or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The District Manager will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decisions on all appeals, the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in subsection 16 (a) of this notice. Applicant need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Final examination.* The board shall examine, in the order drawn, a sufficient number of applications to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in subsection 8 (d) of this notice, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in section 10 of this notice.

The applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a successful applicant and shall be given an opportunity to select one of the farm units then available. If the board finds that an applicant's qualifications do not meet the requirements prescribed in this notice, or if he fails to supply the corroborating evidence, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

SELECTION OF FARM UNITS

SEC. 20. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant in accordance with the priority established by the drawing. An applicant who is considered to be disqualified as a result of the personal interview, will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by successful applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the successful applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Final Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

SEC. 21. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 22. *Payment of charges and filing homestead applications.* After each successful applicant has advised the board of his selection of a farm unit he shall be notified by the board of the annual construction, water rental, or other charges, payment of which must be received at the office of the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, within 15 days of the receipt by the applicant of such notice. Upon receipt by the District Manager of such payment from the applicant before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of eligibility stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed at the District Land Office, Bureau of Land Management, Sacramento, California. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay the annual construction, water rental or other charges required and to make application for homestead entry within the period specified herein will render the application subject to rejection.

GENERAL PROVISIONS

SEC. 23. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 24. *Charges payable by all water users.* The Reclamation Law provides that except during a "development period" fixed by the Secretary of the Interior, water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction costs which are allocated to such irrigated lands. The lands described in section 1 of this public notice are hereby designated a development unit, and the maximum development period for the lands so designated is fixed at a period of four years from and including the first year in which water is delivered; *Provided,* That such period may be reduced by supplemental notice should the Secretary determine that the full four-year period is not reasonably necessary. Before the end of the development period, all lands described in section 1 must, therefore, be included within an organization of the type described and such organization must execute a joint-liability contract, satisfactory in form to the Secretary, covering the repayment of the construction costs allocated to such lands.

(a) *Charges payable before execution of the repayment contract.* The minimum water rental charge for the irrigation season of 1949 and thereafter until further notice shall be three dollars and fifty cents ($3.50) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will entitle the entryman to two and one half (2½) acre-feet of water per irrigable acre. Payment of this charge for the irrigation season of 1949 shall be made at the time of filing water rental applications.

Additional water will be furnished during the 1949 irrigation season and thereafter until further notice up to a limit of three and one half (3½) acre-feet per irrigable acre at the rate of one dollar ($1.00) per acre-foot and all further quantities at one dollar and twenty cents ($1.20) per acre-foot. Charges for the additional water are to be paid on or before December 1 of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

In the event any applicant does not receive notice of the award of a farm unit until after June 15, 1949, payment shall be a minimum charge of three dollars and fifty cents ($3.50) per acre, which payment shall apply as a credit on the minimum charge for the following irrigation season.

The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Klamath Falls, Oregon. Future charges will be announced by future order or public notice.

(b) *Charges payable after execution of the repayment contract*—(1) *Part 1, Tule Lake Division.* Subsequent to the execution of the repayment contract, and in accordance with the terms thereof, water users will pay an annual charge per acre to meet operation and maintenance cost and to pay the government that portion of the construction cost allocated to Part 1, Tule Lake Division. The per acre construction charge to be included in said repayment contract shall be in an amount determined proper by the Secretary, but not to exceed a total per acre charge of $88.35, payable over a 40-year period.

(2) *Part 2, Tule Lake Division.* Subsequent to the execution of the repayment contract, and in accordance with the terms thereof, water users will pay an annual charge per acre to meet operation and maintenance costs and to repay to the government that portion of the construction costs allocated to Part 2, Tule Lake Division. On the date of issue of this public notice, it is impracticable to determine the total construction cost of Part 2, Tule Lake Division Distributary system, the allocation of costs to Part 2, Tule Lake Division of the Klamath Reclamation Project, and the ultimate water-service area of the Division. Accordingly, no exact statement as to the total and per acre construction charge be made against the lands opened in this public notice is practicable. When the total construction charge has been determined and allocated by the Secretary of the Interior, and a repayment contract negotiated with the irrigation district, a supplementary notice announcing the total and per acre charges will be issued.

SEC. 25. *Reservation of rights-of-way for public roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats.

SEC. 26. *Reservation of rights-of-way for publicly owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 27. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 28. *Effects of cancellation of entry by relinquishment.* In the event that any entry of public land made hereunder is cancelled by relinquishment at any time prior to full compliance with the homestead laws, the lands in the entry so relinquished shall become available to entry by the next numbered qualified applicant who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of this notice.

SEC. 29. *Opportunity of leasing.* The farm units listed in section 1 of this notice under Part 1, Tule Lake Division, are less well developed than the other farm units listed. Accordingly, to afford the opportunity of a more adequate income during the development period of the farm unit, each entryman awarded one of the above-described farm units will be offered the right to lease, for one-year periods not to exceed a total of three years, a lease unit of approximately 75 acres in the Tule Lake reserve sump area known as lease area B–2.

SEC. 30. *Flood hazard.* The lands to be entered in Part 2 of the Tule Lake Division are reclaimed lands lying in the former bed of Tule Lake and may be subject to flooding and inundation during extremely wet years. The Bureau of Reclamation is now engaged in the construction of additional works which, when completed, will provide reasonable flood protection. Settlers are warned, however, that in case of extreme runoff resulting in the flooding of any of the lands, the government assumes no responsibility for damage to persons or property caused by such flooding.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 48-8239; Filed, Sept. 14, 1948; 8:47 a. m.]

BEAR RIVER PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JULY 27, 1948.

In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following-described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, establishing Utah Grazing District No. 1 be modified and made subject to the withdrawal effected by this order.

BEAR RIVER PROJECT

SALT LAKE MERIDIAN, UTAH

T. 13 N., R. 8 W.,
Sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 30, Lot 4, SE¼SW¼, E½.
T. 12 N., R. 9 W.,
Sec. 1, all.

The above areas aggregate 1,356.92 acres.

G. E. TOMLINSON,
Acting Commissioner.

I concur: August 25, 1948.

MARION CLAWSON,
Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the Bear River project, Utah, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

AUGUST 31, 1948.

[F. R. Doc. 48-8240; Filed, Sept. 14, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-441, G-447, G-448]

NEW YORK STATE NATURAL GAS CORP. ET AL.

NOTICE OF ORDERS TERMINATING PROCEEDINGS

SEPTEMBER 10, 1948.

In the Matters of New York State Natural Gas Corporation, Docket No. G-441; Penn-York Natural Gas Company, Docket No. G-447; Home Gas Company, Docket No. G-448.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its orders entered September 8, 1948, terminating proceedings relative to applications for temporary certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8246; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. G-1062]

POTOMAC GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 10, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its findings and order entered September 8, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8247; Filed, Sept. 14, 1948; 9:03 a. m.]

[Project No. 1853]

FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

NOTICE OF ORDER MODIFYING DECEMBER 19, 1947 ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

SEPTEMBER 10, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its order entered September 8, 1948, modifying the order of December 19, 1947, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8248; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. G-287-A]

EL PASO GAS TRANSPORTATION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed March 12, 1943, Docket No. G-287-A, by El Paso Gas Transportation Corporation (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, seeking authorization, pursuant to section 7 of the Natural Gas Act, to continue the sale of natural gas to El Paso Natural Gas Company for resale by that company to the Lea County Gas Company, El Paso Electric Company,[1] American Smelting and Refining Company, Southwestern Portland Cement Company, and El Paso Brick Company;

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Provisional rules of practice and regulations (effective July 11, 1938), a hearing be held on the 19th day of October, 1948, at 9:45 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings; provided, however, that if no request to be heard or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate in accordance with § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act, effective July 11, 1938.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8249; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. E-6162]

NEW YORK STATE ELECTRIC AND GAS CORP.

ORDER SUSPENDING RATE SCHEDULE AND FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

It appears to the Commission that:

(a) New York State Electric and Gas Corporation (New York Company) submitted for filing on August 12, 1948[2] a

[1] El Paso Natural Gas Company was authorized to make the sales herein referred to by the Commission's order adopted April 11, 1944, "In the Matters of El Paso Natural Gas Company", Docket Nos. G-474 and G-475.

[2] New York Company had originally filed the supplement on July 12, 1948. The filing date subsequently became August 12, 1948, upon the receipt of the company's reply to the staff's request for additional information.

supplemental agreement dated June 21, 1948, proposed to become effective May 24, 1948, with its affiliate, Pennsylvania Electric Company (Pennsylvania Electric). The supplemental agreement has been tentatively designated as Supplement No. 3 to New York Company's Rate Schedule FPC No. 10.

(b) New York Company's proposed Supplement No. 3 to Rate Schedule FPC No. 10 provides for a substantial increase in rates or charges for power and energy delivered by New York Company to Pennsylvania Electric's Bradford District.

(c) Unless suspended by order of the Commission, the rate schedule of New York Company with the tentative designation referred to in paragraph (a), above, would become effective as of September 12, 1948, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

(d) The change in rates or charges provided by the New York Company's tentatively designated Supplement No. 3 to Rate Schedule FPC No. 10, may result in excessive rates or charges to Pennsylvania Electric; may place an undue burden upon ultimate consumers of such electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

(e) By letter dated August 27, 1948, the Chairman of the Pennsylvania Public Utility Commission has requested "that operation of the supplemental agreement * * * be suspended until the staff of this Commission has had an opportunity to review the matter in conference with members of the Federal Power Commission Staff."

The Commission finds that: It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing November 15, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in New York Company's proposed rate schedule identified in paragraph (a) above.

(B) Pending such hearing and decision thereon, the supplemental rate schedule referred to in paragraph (a) above be and the same hereby is suspended and the use of such rates or charges deferred until February 12, 1949, and thereafter such rate schedule shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedule on file with the Commission for service to Pennsylvania Electric by New York Company shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon New York Company.

(E) Interested State commissions may participate as provided by Rules 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8250; Filed, Sept. 14, 1948; 9:03 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2737 et al.]

INTERNATIONAL AIR TRANSPORT ASSN.; FREE AND REDUCED-RATE TRANSPORTATION CASE

NOTICE OF HEARING

In the matter of the investigation of certain tariff rules filed by or on behalf of air carriers and foreign air carriers and of certain agreements among air carriers, foreign air carriers and other carriers as members of the International Air Transport Association providing for free or reduced-rate transportation for various classes of persons.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 412 and 1002 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on October 4, 1948 at 10:00 a. m. (eastern standard time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the orders of investigation herein, particular attention will be directed to the following matters and questions:

(1) Whether the provisions contained in the tariff rules under investigation are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial.

(2) Whether, and to what extent, the Board shall take further action with respect to the provisions of such tariff rules.

(3) Whether such agreements between air carriers, foreign air carriers and other carriers as members of International Air Transport Association are adverse to the public interest or in violation of the Civil Aeronautics Act because of unjustly discriminatory provisions contained therein or for any other reason.

Notice is further given that any person, other than parties of record as of August 19, 1948, desiring to be heard in this proceeding must file with the Board on or before October 4, 1948 a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to the investigation and the issues therein, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 9, 1948.

By the Civil Aeronautics Board.

M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8262; Filed, Sept. 14, 1948; 8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 2 (E)]

U. S. DISTILLERS TARIFF COMMITTEE

APPLICATION FOR RELIEF FROM ALLEGED INJURY DUE TO INCREASED IMPORTS

SEPTEMBER 9, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of Part I, Executive Order 9832 of February 25, 1947.

Name of article	Purpose of request	Date received	Name and address of applicant
Whiskies and spirits....	Relief from alleged injury due to increased imports resulting from the concessions granted in the General Agreement on Tariffs and Trade.	Sept. 7, 1948	U. S. Distillers Tariff Committee, Room 426, Union Trust Bldg., Washington, D. C. (application filed on behalf of 28 distilling companies).

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 48-8236; Filed, Sept. 14, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11642]

IDA BLOCK

In re: Estate of Ida Block, deceased. File D-28-10178; E. T. sec. 14492.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, pursuant to law, after investigation, it is hereby found:

1. That Olga Richter, Mrs. Alma Drecksler, Mrs. Wanda Gutjahr, Mrs. Margaretha Oelschlager, Mrs. Lydia Behrmann, Adolph Richter, Mrs. Hulda Apelt (Appelt), Albert Schulz, Martha Schulz and Elfrieda Klein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $18,669.94 was paid to the Attorney General of the United

States by Arthur Richter, Administrator with the will annexed of the Estate of Ida Block, deceased;

3. That the said sum of $18,669.94 was accepted by the Attorney General of the United States on March 16, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $18,669.94 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8270; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11909]

EDMUND ECKART AND NEW ROCHELLE TRUST CO.

In re: Deed of trust dated January 16, 1925, between Edmund Eckart, grantor, and the New Rochelle Trust Company, trustee. File D-28-10496-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Babbette Sill and Oscar Emil Henry Sill, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated January 16, 1925, by and between Edmund Eckart, grantor, and the New Rochelle Trust Company, trustee, presently being administered by the New Rochelle Trust Company, Trustee, 542 Main Street, New Rochelle, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8271; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11914]

ANTON KNITTEL

In re: Estate of Anton Knittel, deceased. File No. D-17-360; E. T. sec. 7966.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Pohl and Edgar Pohl, also known as Hans Edgar Franz Pohl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Friestel Pohl, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof and each of them, in and to the Estate of Anton Knittel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the San Diego Trust & Savings Bank, a Corporation, as executor, acting under the judicial supervision of the Superior Court, State of California, in and for the County of San Diego, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8272; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11930]

WILLIAM S. SCHULZ

In re: Estate of William S. Schulz, deceased. File No. D-28-12398; E. T. sec. 16620.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Schulz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of William S. Schulz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charlotte Schulz Eder, 562 West First North St., Provo, Utah, as Administratrix, acting under the judicial supervision of the District Court of the Fifth Judicial District of the State of Utah in and for Washington County;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8273; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11928]

JOSEPH REISS

In re: Rights of Joseph Reiss under Insurance Contract. File No. F-28-22714-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 12806401, issued by the New York Life Insurance Company, New York, New York, to Willibald F. Reiss, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8228; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order CE 457]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN ARIZONA, NEW JERSEY, AND OHIO COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceedings	Column 4 Sum vested
		Item 1	
Victoria Gregorescu Staicu	Rumania	Estate of Paul Gregorescu, deceased. Probate Court, Cuyahoga County, State of Ohio, No. 357165.	$76.00
		Item 2	
Karl Brandt	Poland	Estate of Rudolph Luis Balke, deceased. Superior Court, State of Arizona in and for County of Maricopa No. 7236.	28.00
		Item 3	
Marie Gutekunst	do	Same	12.00
		Item 4	
Martha Zaft	do	Same	12.00
		Item 5	
Ferdinando Varacalli	Italy	Estate of Maria Varacalli Nobile, deceased. Probate Court, Mahoning County, State of Ohio.	25.00
		Item 6	
Giuseppe Varacalli	do	Same	25.00
		Item 7	
Alexander Kingsland	do	Trust under the will of Marie Binney Earl, deceased. Orphans' Court, Burlington County, Mount Holly, N. J.	86.00
		Item 8	
Anna Biccadilli di Bologna also known as Princess Anna di Castelcicala or her children.	do	Same	43.00

[F. R. Doc. 48-8274; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11932]

MARIA SPORK

In re: Rights of Maria Spork under Insurance Contract. File No. D-28-12162-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Maria Spork, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. BF 50981, issued

by the Bankers National Insurance Company, Phoenix, Arizona, to Rev. Leo Oelmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8230; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11931]

TOMISABURO SHIMIZU

In re: Rights of Tomisaburo Shimizu under Insurance Contract. File No. D-39-15372-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomisaburo Shimizu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8266444, issued by the New York Life Insurance Company, New York, New York, to Tomisaburo Shimizu, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8229; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11933]

JOJI G. TSUTAKAWA

In re: Rights of Joji G. Tsutakawa under Insurance Contracts File Nos. D-39-710-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joji G. Tsutakawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 1024250 and 1067333, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Joji G. Tsutakawa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8231; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11934]

SHIHO UYEMA

In re: Rights of Shiho Uyema under Insurance Contract. File No. D-39-18647-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiho Uyema, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7878330, issued by the New York Life Insurance Company, New York, New York, to Shiho Uyema, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8232; Filed, Sept. 13, 1948; 8:53 a. m.]